Law and Order in Colonial Bridgewater, Massachusetts with Special Emphasis on Its South Parish/Precinct

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Bridgewater, Massachusetts
A Town in Transition

Law and Order
in
Colonial Bridgewater, Massachusetts
with
Special Emphasis
on
Its South Parish/Precinct

Dr. Benjamin Spence
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An Explanation

For several years I have had the pleasure of delving into the history of Bridgewater, Massachusetts, concentrating on the first quarter of the twentieth century and providing, when appropriate, historical background to make my discussions clearer. Although my research and writing are ongoing, I have decided to make available drafts of a number of topics which I have explored at length, with the hope that the material presented will prove helpful to many readers. I would request that credit be given if my findings are used by other writers or those making oral presentations.

As my study has proceeded, many people have been helpful and, hopefully, I will be able to thank all of them during the course of my writing. At this point, let me mention just a few who have been especially supportive. Many thanks to the Trustees of Bridgewater’s Public Library for allowing me free access to the sources in the town’s library, made easier by the aid given to me by the research librarians under the competent direction of Mary O’Connell. Without the constant aid of Dr. Steven G. Young, I would have been at a loss many times in the use of the computer. Many thanks to Sylvia B. Larson who has been willing to spend numerous hours using her fine editing skills and her probing historical mind to improve greatly these drafts, all the while sharing my great interest in the history of Bridgewater. Any errors in these pieces, of course, are solely mine. What a great joy it is to share many of my findings with S. Mabell Bates, who, as a friend, head of the special collection at Bridgewater State College Library, and member of the Bridgewater Historical Commission, has provided me with valuable historical material and has been a constant source of inspiration. My research has also been enriched by the many conversations with Robert Wood, a member of Bridgewater’s Historical Commission and the town’s leading authority on the history of property deeds. He has been most generous in sharing his findings with me. Lastly, my research, particularly concerning the Bridgewater Normal School, would have been far less interesting without my many conversations with David K. Wilson, long associated with public relations and institutional research at Bridgewater State College. I appreciate his willingness to share his historical knowledge of the college, videotape my tours of Bridgewater’s School Street and Central Square, begin the time-consuming task of placing some of my writings on a web-site, and advise me on putting my essays into more permanent forms.

In preparing this essay, I owe a special debt of gratitude to James Mike Bois, George B. Rizer and David R. Moore, all citizens of Bridgewater who contributed in different ways to a collection of historical pictures of the town. Bois, one of the Bridgewater Historical Collectors, diligently collected over 450 scenes of Bridgewater,
many of which were included in the two pictorial histories, 1987 and 1994, prepared by the Collectors. Equally important was the contribution of Rizer, a professional photographer for the Boston Globe, whose artistic skill reproduced all the pictures in these two works, “bringing to life some that were faded or in some way defective.” Thanks to the skillful and time-consuming work of David R. Moore, Chairman of Bridgewater’s Historical Commission, over 500 historical pictures, including many found in the two earlier works, have now been digitized and placed on one computer disc, labeled the Rizer Collection, creating an historical treasure easily accessible to those interested in the town’s rich heritage. I will continue to include pictures from this collection in future essays.

One final note concerning bibliography: At some juncture, I will present an essay on the sources used in my study. For now, the numerous footnotes will give the reader a good idea of the research materials used in this historical account of the Town of Bridgewater.

* My works on education, churches, stores and services, manufacturing, transportation, fire service and the Parker-Gates-Shaw House in Bridgewater, Massachusetts, concentrate on the years between 1900 and 1910, but also, when appropriate, include extensive historical background. The essay on law and order in colonial Bridgewater will hopefully be followed by one or two additional ones discussing this topic through 1925. Copies of these eight essays can be found in the Bridgewater Public Library, the Maxwell Library of Bridgewater State University, the Memorial Building of the Old Bridgewater Historical Society in West Bridgewater, the library of the Old Colony Historical Society in Taunton, Massachusetts, and the Public Library of Brockton, Massachusetts.
Law and Order
Bridgewater, Massachusetts
1656-1776

Introduction

Bridgewater, Massachusetts, whose present size is 28.2 square miles, was concerned for maintaining peace and tranquility from its incorporation in 1656, long before a town meeting in March of 1915 voted to authorize the selectmen “to appoint a police force of three men, one for day and two for night service, one of the same to be a Chief of Police.” The establishment of a formal law and order department, as an arm of the criminal justice system, was the culmination of a long evolutionary process dating back to the town’s creation as the first inland community settled by the Pilgrims (also known as Separatists), who in 1620 had founded Plymouth, Massachusetts, the second successful English settlement in North America. In common with other communities in what was known as New Plymouth and later referred to as the Old Colony, Bridgewater has had to cope with the twin threats of fire and challenges to public order from its founding. It might be instructive at the start of this essay to point out how the town followed two different paths in taking over direct responsibility for dealing with these two never-ending civic problems.¹

In 1844, present-day Bridgewater, which between 1716 and the early 1820’s had been the South Parish of the original and much larger Bridgewater, decided to let a private entity known as the Bridgewater Fire District provide firefighting service for a good portion of the community. My essay, “Fire Service, Bridgewater, Massachusetts, 1844-1910,” relates how the “Fire Department” of this organization performed until 1894 what most citizens today believe should be a governmental service. After fifty years, the town did vote to entrust firefighting to a publicly-run Fire Department. It remained, nonetheless, a voluntary organization until 1926, at which time it became a permanent professional force, with its members being paid and reporting to duty on a regular basis. Maintaining public order, on the other hand, has always been in good measure considered a public/governmental obligation, even if this duty was not fulfilled under the aegis of a formally-created town department until twenty-one years after a firefighting organization achieved this status. While a major part of my two-part work deals with the last fifteen years in the drive to secure town approval for a separate law and order department and the operations of Bridgewater’s Police Department during its first decade, I decided, nevertheless, to take an extensive look at Bridgewater’s efforts to maintain peace and tranquility prior to 1900. Indeed, Part One is devoted to colonial Bridgewater between 1656 and 1776. In my perusal of secondary sources, I noted how little has been written about the history of crime and punishment of this town. Hopefully, more extensive

¹ Bridgewater Independent, March 12, 1915; this local weekly newspaper was first published in 1876 by Henry T. Pratt, under the name Every Saturday; since the end of that year, it has been known as the Bridgewater Independent; hereafter it will be cited as BI; I will occasionally remind my readers that in writing about Bridgewater between 1656 and the early 1820’s, I am referring to the original and much larger town; its South Parish, today’s Bridgewater, was established in 1716 and continued as such for over one-hundred years.
comments about the years before 1900 will be helpful in understanding the matter of law and order in Bridgewater during the first quarter of the twentieth century, a period I choose to label one of transition.  

**Bridgewater--Part of Plymouth Colony**  
**1656-1686**

For the purpose of this essay we need not relate all the details in the decade or so leading to Bridgewater’s incorporation in 1656, except to note that its founders were Pilgrims from nearby coastal Duxbury, itself first settled by Pilgrims under the leadership of Myles Standish in 1632 and incorporated as Plymouth Colony’s third town five years later. The Honorable Nathan W. Littlefield, a native of Bridgewater and later resident of Providence, Rhode Island, aptly captured the early relationship between these three towns in his 1906 address at the gathering in West Bridgewater to celebrate the 250th anniversary of the founding of Old Bridgewater. “Other towns,” he reminded his listeners, “as has been shown were largely settled from other places, but Bridgewater is the child or the grandchild, if you will, of Plymouth.” The land size of colonial Bridgewater, Plymouth Colony’s first and large inland offspring, fluctuated during its 120 years as part of England’s North American empire. The town attained its greatest extent of ninety-six square miles in 1730, almost forty years after the entire Plymouth Colony had been united with the Massachusetts Bay Colony, its larger Puritan neighbor to the north.

Between 1656 and 1686, the original Bridgewater was subject to the criminal codes enacted by the General Court of Plymouth Colony, a legislative and judicial body, in which each of its incorporated

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2 For more about the history of firefighting in Bridgewater see my essay covering this topic between 1844 and 1910, copies of which can be found in the Bridgewater Public Library, Maxwell Library of Bridgewater State University, the library of the Old Colony Historical Society in Taunton, Massachusetts, the Memorial Building of the Old Bridgewater Historical Society in West Bridgewater, and the Public Library in Brockton, Massachusetts; it is important to stress that Bridgewater was a very large town geographically, until it was divided into four separate towns in the 1820’s; today’s Bridgewater was the southern part of the original town.  

3 William Bradford, *Of Plymouth Plantation 1620-1647*, a new edition by Samuel Eliot Morison (New York: The Modern Library, 1952), p. 253; Nahum Mitchell, *History of the Early Settlement of Bridgewater Massachusetts, including an extensive Family Register* (Boston: printed for the author by Kidder and Wright, 1840; Bridgewater, Massachusetts: reprinted by Henry T. Pratt, 1897), pp. 9-15, 25-26; Mitchell’s history is the standard work on the early history of Old Bridgewater; throughout this essay it will be cited as Mitchell, followed by the appropriate pagination; Bradford Kingman, *History of North Bridgewater* (Boston: Published by the Author, 1866), pp. 11-15; Hon. Nathan W. Littlefield, “Bridgewater---Past and Present,” *BI*, June 15, 1906; Hosea Kingman, “Bridgewater,” *The Plymouth County Directory* (Middleboro, Massachusetts: Stillman Pratt Company, 1867), pp. 28-33; at the end of his essay, Kingman, a well-known lawyer in Bridgewater for thirty years before his death in 1900, wrote that he was “greatly indebted to Mitchell’s History, for many facts;” *Census of Massachusetts, 1905*, Vol. I, p. 819; “The Settlement Here,” The Bridgewater Book-Illustrated (Taunton, Massachusetts: William S. Sullwold Publishing, Inc., 1985), p. 7; this latter book, published by the Old Bridgewater Historical Society, hereafter will be cited as Bridgewater Book; it is not always possible to paginate this source; Old Bridgewater Tercentenary--1656-1956 (Brockton, Mass: Standard Print, Inc., 1956), no pagination; this celebration was evidently planned by the Tercentenary Committee with the support of the Old Bridgewater Historical Society; the following quotation is from this source: “At its greatest extent Old Bridgewater included the present towns of West Bridgewater, East Bridgewater, Bridgewater, Whitman, the major part of Abington, part of Rockland, the westerly part of Hanson, a few acres in Halifax, and the City of Brockton;” William Thomas Davis, *History of the Judiciary of Massachusetts: Including the Plymouth and Massachusetts Colonies, the Province of Massachusetts Bay, and the Commonwealth* (Boston: The Boston Book Company, 1900), pp. 1-20; this latter source presents a highly factual account of New Plymouth’s judicial history.
communities, beginning in 1638-39, were represented by two so-called deputies or representatives, elected by the town’s freemen; before this time the General Court consisted of the Governor, Assistants, and “all the freeman of the Colony.” Despite a number of attempts, Plymouth Colony was never successful in securing a royal charter during its seventy years as a separate political entity. Rather, the legal basis for the establishment of its institutions, including the judiciary, was based on the “authority of the Royal Charter” issued by James I on November 3, 1620, to the Council for New England, the successor to the Northern Virginia Company. In 1606, this earlier group had been granted jurisdiction over “a strip of territory along the American coast…between the 38th and 45th degrees of latitude,” while, at the same time, the Southern Virginia Company was given control over land “between the 34th and 41st degrees of latitude.” The Pilgrims had not planned to settle on the coast of Massachusetts, but further to the south on land for which they had been granted a patent by the southern component of the Virginia Company. For several reasons, however, including a possible error in navigation, the 101 passengers of the Mayflower, the majority of whom were not Separatists and were referred to as “Strangers,” found themselves settling in the less hospitable climate of New England and on land for which they had no patent. Wary of lacking legal standing, the Pilgrims, while still aboard the Mayflower, drew up the Mayflower Compact to ensure the immediate political survival of the fledging colony. Meanwhile, they applied for a new patent which was issued by the newly formed Council for New England on June 1, 1621. Like the other six English colonies established in America by 1660, it was only natural for Plymouth and its satellite settlements, including Bridgewater, to rely in good measure on English common law as they sought to establish a workable criminal judicial system. As early as December 17, 1623, for instance, the “first law relating to the courts was passed,” providing “that all criminal facts and all matters of trespass and debts should be tried by a jury of twelve men.” But it was not simply a matter of copying what at the time was being done in England. Growing demands in the mother country to reform the legal system and circumstances in the American colonies of the seventeenth century would not permit a slavish following of the criminal laws of the mother country.4

By the time Bridgewater became the tenth town of Plymouth Colony, the Pilgrims had, in the words of historian George L. Haskins, “succeeded in establishing a self-governing community without the benefit of a royal charter, royal proprietor, or corporate overlord” and “a system of law suited to the situation and conditions in which they found themselves and to the religious purposes for which the colony had been established.” Hailing from Duxbury, the original settlers of Bridgewater were surely aware that twenty years before Bridgewater’s incorporation, the General Court of Plymouth Colony had adopted a code of laws setting “forth a frame of government,” which, among other provisions, defined the

“duties of the different magistrates” (officials entrusted with administering the law) and, equally significant, included “a rudimentary bill of rights,” the preamble of which declared that the colonists had the “rights and liberties of Englishmen.” Seventeenth-century inhabitants of Plymouth Colony could not have predicted that this code, dated November 15, 1636, would later be credited by some historians as the “first American Constitution.” The founders of Bridgewater, nevertheless, were undoubtedly aware of Plymouth’s first compilation of laws, which set forth the powers of the colony’s government, including its jurisdiction over eight capital and three criminal offences. This first code, however, did not “attempt regulation of private life by the legislative process.” Most likely, William Bradford, Governor of Plymouth Colony for much of the time between 1621 and 1657, had misgivings about the legal power of the colony to mete out justice, owing to its lack of a royal charter. The integrity of this Puritan community, nevertheless, was to be maintained by a law, found in the 1636 code, authorizing “a grand jury to inquire into “all such misdemeanors of any person or persons as tend to the hurt and detriment of society Civility peace and neighborhood.” Also, at this point in Plymouth’s history, the lack of “major challenges to Puritan standards” meant there was little the need for legislation to control what was considered antisocial behavior. Punishment for many criminal cases was not spelled out, but rather left to the discretion of the magistrates.5

Between 1656 and the early 1680’s, Bridgewater, through its elected representatives in the General Court, was aware of revisions in the compilations of the colony’s laws, including those specifying “rules for human behavior” and those dealing with different levels of crime. Like the Code of 1636, the one compiled in1658, the year following Governor Bradford’s death, contained no item “expressed in biblical language.” Perhaps this was indicative of Bradford’s concern that any sharp deviation from English law might call attention to Plymouth’s lack of a charter defining its legal standing. The code of 1671 was written in a more sophisticated manner, revealing a trend toward relying more upon written law to clarify what was acceptable human behavior rather than on the judgment of the magistrates.6

However useful, this brief discussion of the first three compilations of law in the Plymouth Colony cannot provide a very full picture of how the settlers in the original Bridgewater maintained law

6William T. Davis, “Chapter I: Geographical and Descriptive.” History of Plymouth County, Massachusetts, with Biographical Sketches of many of its Pioneers and Prominent Men, compiled under the supervision of D. Hamilton Hurd (Philadelphia: J. W. Lewis & Co., 1884), p. 2; Haskins, “The Legal Heritage of Plymouth Colony;” Langdon, Pilgrim Colony, pp. 207-208; Chapin, Criminal Justice in Colonial America, 1606-1660, pp. 6, 17, 19; Walker, Popular Justice, pp. 13-37; this latter source was helpful for giving me background on crime and social control in colonial America, but makes no specific mention of Plymouth Colony; Mitchell, p. 35; Mitchell lists the Bridgewater representatives or deputies to the Plymouth General Court from 1657 to 1691.
and order, labored to promote social harmony, and held on to their hopes of preserving a Puritan community during the thirty years following the town’s incorporation. Most likely the lack of any organized discussion of this topic in Mitchell’s 1840 or Crane’s 1884 histories of the town lends credence to the following conclusion drawn by historian Samuel Walker: “There was little predatory crime in colonial America. Murder, robbery, rape, and burglary--the crimes that dominate American society in the late twentieth--were rare events.” In Bridgewater, as was the case with the other small towns in Plymouth Colony during the seventeenth century, there was little in the way of a bureaucratic structure, including a police force and prisons, to chasten those who threatened the established order of a community.7

In considering how the frontier settlers of early Bridgewater, which occupied the higher land between Plymouth and Taunton, “mostly drained by the branches of a stream” flowing into Narragansett Bay to the south, maintained social conformity and harmony several things must be kept in mind. Unlike the town’s extensive geographic size, the population was small indeed, centering at first along the northern and southern sides of the Town River in the western part of the town; then in the late 1600’s slowly fanning out in other directions. One writer later observed: “At the time of King Philip’s War, 1675, there were only sixty-four men who were over nineteen years of age in the primitive settlement.” Fifteen years later, in a more official count, the entire population of Bridgewater was estimated at only 440, a figure large enough, however, to rank it as the third most populous town in Plymouth County, a political entity created in 1685. Equally important in promoting social harmony was the homogeneous nature of this small population. Not only were most all of the town’s inhabitants at this point white and English, but also attendees of the community’s sole church, which continued to adhere to the Puritan theology and Congregational church organization of the first Pilgrims of Plymouth Colony.8

It is not surprising, therefore, to see a paucity of governmental agencies and methods to maintain law and order, so familiar to us in the twenty-first century, in the early years of colonial Bridgewater. Rather, informal means were used to promote social conformity and harmony in this small frontier settlement. Similar to other churches in the Plymouth Colony, Bridgewater’s First Church, located in what is now West Bridgewater, played a paramount role in making sure that its members adhered to codes of behavior consistent with the religious nature of the community. Organized about five years before the town’s incorporation, this church occupied its first meetinghouse, “built of logs,” around 1661 and ten years later moved into a larger one. After being served in 1660-1661 by a temporary minister, Benjamin Bunker, the church voted in 1664 to ask Reverend James Keith, who had been educated in Scotland and had arrived in Boston around 1662, to accept the call to become its first full-time and ordained pastor. He held this position until his death in 1719, and during his long ministry, the town’s civil authorities

7 Walker, Popular Justice, pp. 2, 17.
often sought Rev. Keith’s advice on many matters, including those dealing with popular justice. Nahum Mitchell’s 1840 account of the early settlement of Bridgewater, for example, suggests that Keith’s advice “in favor of mercy…had great weight” in sparing the life of King Philip’s nine year old son after he and his mother had been captured during the 1676 conflict between the English settlers and Native Americans of southern New England; one source cites Rev. Keith as the only Pilgrim/Puritan minister to make this compassionate plea. The boy, nevertheless, “spent the remainder of his days in chains, a slave in Bermuda.” Although do’s and don’ts were not spelled out until the 1685 Plymouth compilation of laws, there was a consensus among congregations throughout the colony of what constituted acceptable norms of behavior. Paramount to establishing and maintaining a Puritan community were widely-shared principles: submission to the authority of God, clergy, and male heads of households; congregational responsibility for keeping communal order by informally making sure all of its members abided by a life style conducive to promoting the religious nature of the town; and “conformity to community norms” generally taking precedence over individual rights.9

Church congregations in early colonial New England acted as “police and courts of first resort,” with its members keeping tabs on one another. This did not lead, however, to a theocratic form of town government, despite the considerable influence of local ministers in civil affairs and the similar makeup of the groups attending church services and town meetings. Old Bridgewater is a case in point. Admittedly, the formation of its church predated incorporation of the town by five years. But once Bridgewater was formally organized and recognized in 1656 as the tenth town in Plymouth Colony, a civil government, small to be sure, was created. While not much is known about the early years of Bridgewater’s town government, the first position to be created and filled was that of constable, “a public officer responsible for keeping the peace,” by performing “much of the day-to-day work of law enforcement,” including “serving warrants and making arrests.” Inherited from England’s system of law, the constabulary remained an integral part of the town government of Old Bridgewater until the early 1820’s, at which time four if its parishes became separate towns. Present-day Bridgewater, formerly the South Parish, was to continue, as we shall see, the constabulary system of law and order until the creation of a Police Department in 1915. Perhaps some of the town’s historically-minded citizens ten years earlier had taken the trolley to West Bridgewater to hear Joshua E. Crane, Jr., who was representing the Old Bridgewater Historical Society, give an address at the dedication of the memorial tablet in honor of John Cary who in 1656 served as Bridgewater’s first constable.10

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10 BI, Aug. 8, 1905; Crane, a well-known scholar of local history, was the guest of the Cary descendants at this occasion; Walker, Popular Justice, p. 26; Chapin, Criminal Justice in Colonial America, 1606-1660, pp. 96-97; Eric H. Monkkonen, “Police Forces,” The Reader’s Companion to American History, edited by Eric Foner and John A.
John Cary was born near Bristol, England, in 1610, a time when a struggling Jamestown in Virginia was only three years old and the sole English colony in North America. One of ten children, John was sent by his father “to be educated in France, and while there his father died.” After returning to England and “receiving one hundred pounds” as his portion of the family estate, he set sail for America, landing in 1634 at Plymouth Colony, which had been established fourteen years earlier. Subsequently, he moved to nearby Duxbury, the second community to be settled in Plymouth Colony. (It was the third incorporated town in the colony, preceded only by Plymouth and Scituate.) Then in the late 1640’s, Cary not only became one of the fifty-four original proprietors of Bridgewater, but was among sixteen of them who decided to settle in the western portion of what became the Town of Bridgewater in June of 1656. Even before this official act of incorporation, Cary had been chosen constable, the “first and only officer elected that year.” Francis E. Howard, a prominent local historian who resided in West Bridgewater, wrote the following about Cary: “He was prominent among his fellows, well educated, and public spirited. He taught the first Latin class in the colony.” Since Cary served only one year as constable in what might be labeled a frontier town, with a minute population, I make no attempt at evaluating his work as the keeper of law and order. A more detailed biographical sketch would devote greater space to his service as Bridgewater’s town clerk between 1657 and 1681, his marriage to Elizabeth Godfrey, and their raising of twelve children on a farm of sixteen acres, abutting the Town River which flows in a northeasterly direction from Nippenicket Pond through the western part of the Old Bridgewater, before taking a more southeasterly course.11

Even if it had been my intention to write extensively about the development of Bridgewater’s government, including its challenge and capacity to maintain peace and tranquility from 1656 to 1681, several obstacles would have limited fulfilling this goal. Given the fact that Bridgewater at the beginning of its corporate life was “a far-remote series of small clearings in the wilderness,” it is understandable that early town records are rather “silent” about “town officers and government machinery.” According to one source, the records of the General Court in Plymouth for 1657 mention only four officials as comprising Bridgewater’s local government: two surveyors, one constable, and one deputy; Mitchell’s history adds a fifth, that of Grand Juror. Replacing Cary as constable was Samuel Tompkins, who, like his predecessor, was one of the original fifty-four proprietors of Bridgewater, and one of sixteen in this


11 Loring W. Puffer, “Records of John Cary: The first town clerk of Bridgewater, Mass., from 1656 to 1681” (Brockton, Mass.: Published by Loring W. Puffer; WM. Puffer, Steam, Book and Job Printer, 1889), Introductory Note; in 1986, the Old Bridgewater Historical Society reprinted this fourteen page compilation of Cary’s notes which had been found in his own handwriting; Francis E. Howard, “In Days of Yore,” BI, May 13, 1898; Howard, “A Few Early Settlers and Landmarks,” BI, June 14, 1901; in citing these last two sources, the first given as an address to the West Bridgewater Grange, the second at the dedication of the new building of the Old Bridgewater Historical Society on Howard Street in West Bridgewater, I am reminded of how much we are in debt to a number of Bridgewater’s local historians; Mitchell, pp. 10-11, 26-27, 34, 55; Crane, p. 773; Bridgewater Book; HH, pp. 34-35; “West
group who became permanent settlers. By 1657, he was one of seventeen men who had taken the Freemen’s oath, allowing them to vote and take part in town and colonial political affairs. Considering early Bridgewater’s small and homogeneous population, it is fair to assume that neither town constables nor clerks, who were busy running their farms, needed to spend anywhere near the time or energy fulfilling the duties of their offices as those holding similar positions in the more populous communities of Plymouth and Massachusetts Bay Colonies. Elected annually at the town meetings, Bridgewater’s constables in the late seventeenth century most likely were not particularly busy apprehending “minor offenders or “suspicious persons.” (It would be another two hundred years before the town felt the need for day and night patrols to maintain law and order or a lock-up to temporarily house those challenging accepted behavioral norms.) As was the case in other towns of Plymouth Colony, however, Bridgewater’s constables sometimes performed tasks not associated with the police functions of the constabulary system in England. Before the appointment of tax assessors in 1671, for example, constables in Bridgewater had the tasks of collecting money or corn to meet the town’s tax assessment placed on it by the General Court at Plymouth.12 Along with the small number of officers who were elected to administer the relatively simple needs of a frontier society, including the keeping of peace and social harmony, the freemen of Bridgewater from its incorporation to the creation of the Dominion of New England in 1686 also chose representatives, known as deputies, to the General Court at Plymouth. In addition to being one of the original proprietors, settlers, and freemen of Bridgewater, and, along with Samuel Edson, an early deacon of the town’s First Church, John Willis has the distinction of being the first to represent the town’s interests in this legislative and judicial body, a civic duty he performed from 1657 to 1681. The General Court by the 1650’s was well on its way to becoming the “sole governing authority” in the Plymouth Colony, although the governor sat in the court and continued to play a crucial role in colony-wide affairs. The approximately twenty-mile journey for Willis and the handful of other Bridgewater deputies who were elected to the General Court at Plymouth on the coast of Cape Cod Bay was hardly the easy trip it is today. Hopefully, they found solace that, unlike the years between 1638-1639, when towns began to be represented in the court, and 1645, the December session was no longer held, eliminating the possibility of riding horseback “through the snow and ice” of an early New England winter. In the late 1660’s, Willis’s journey was made easier by Bridgewater’s decision to lay a “way towards Plymouth,” from the meeting-house to a “bridge on Satucket River,” where it would then connect “to the usual road to Plymouth.” Willis, as Bridgewater’s representative to the General Court, traveled this road for

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12 Mitchell, pp. 10-11, 26-27; in the historical room of Bridgewater’s public library, there are several volumes which are labeled Records of Bridgewater; arranged chronologically and mostly written in what appears to be Mitchell’s longhand, these volumes include much primary source material, including summaries of town meetings; four volumes covers the years from 1656 to 1808 and, while not containing too much data for this paper, they at least indicates those elected as Bridgewater’s constables, representatives to the General Courts in Plymouth and Boston, and men chosen to serve as jurors on the courts; “The Political and Governmental Development of Bridgewater,” contributions from Gloria W. Moran, HH, pp. 40-41; Chapin, Criminal Justice in Colonial America, 1606-1660, pp. 96-97; Walker, Popular Justice, pp. 26-27.
twenty-five years. At this point, the scope of my research has not included a close examination of the early records of the General Court. Such a study might well reveal details about Bridgewater’s relationship with the colony’s seat of government in matters dealing with criminal justice and maintaining social harmony and norms. Crane’s and Mitchell’s histories, the two early standard works which delve into the founding and early years of Bridgewater, have little to say about these matters or Willis’s work as a deputy in the General Court. This is understandable. Bridgewater, incorporated as the tenth town in the Plymouth Colony, remained somewhat of a frontier community during its first three decades, with a population reaching about 200 by the early 1680’s. Serious crime in the early years of Bridgewater was hardly a major problem and, as was the case with other towns in the colony, minor infractions were dealt with on the local level and not brought to the General Court for adjudication. Nevertheless, Willis, as Bridgewater’s representative in Plymouth, was involved in the enactment of legislation in 1672 which became part of the Colony Book of General Laws. Building upon the previous compilations of 1636 and 1658, the new code included what “were apparently the rights New Plymouth’s freemen in 1672 valued most.” Quoting from Langdon’s history of Plymouth Colony, a bill of rights in the new compilation included: “annual free election of the governor and assistants by all freemen, justice and right equally and impartially administered, no person damaged but by virtue or equity of some expressed law, the right of all men to a jury trial, the right of the defendant to challenge the jury for cause, and in capital crime the right to pre-emptory challenges, the prohibition of a death sentence without the testimony of at least two witnesses.” Most of the inhabitants of the “frontier” town of Bridgewater were likely aware of these rights, many of which “the Pilgrims had brought with them from the Old World.” Other than the possibility of heeding the General Court’s 1665 order to all towns in the Colony to create “select courts” to “adjudicate all civil suits of forty shillings or less,” Bridgewater had no court of its own. By 1681, cases involving civil suits in excess of forty shillings and major criminal crimes were tried in the Court of Assistants at Plymouth.

The need for more research on criminal court cases involving Bridgewater citizens before 1686, loss of “the early records of Old Bridgewater’s first church,” and thinness of early town reports would, I suspect, prevent any thorough evaluation of the town’s efforts to maintain law and order during its first thirty years as an incorporated community. Like its sister towns in Plymouth Colony, Bridgewater had little of the bureaucratic structure, including a police force or a lockup, that we associate with our modern-day criminal justice system; indeed, with its small and homogeneous population such a structure

13Mitchell, pp. 10, 35, 68, 44, 363; Crane, pp. 772-773; Bridgewater Book; Langdon, Pilgrim Colony, pp. 93-94; Howard, “Interesting Localities,” BI, Jan. 12, 1889; Howard, “In Days of Yore,” BI, May 13, 1898; Old Bridgewater Tercentenary—1656-1956; from 1657 to 1684, the following men represented Bridgewater at different times in the General Court at Plymouth: John Willis, William Brett, Samuel Edson, Thomas Haywood, and John Howard.

14Mitchell, pp. 35, 363-364; Mitchell’s extensive Family Register was especially helpful in providing information about John Willis; Chapin, Criminal Justice in Colonial America, 1606-1660, pp. 3-6, 18, 72, 79; Nelson, Dispute and Conflict Resolution, p. 5; Langdon, Pilgrim Colony, pp. 93-94, 201-203; Haskins, “The Legal Heritage of Plymouth Colony;” at this point I have not researched any criminal cases involving Bridgewater citizens in the court system of Plymouth Colony before 1686.
would hardly have been necessary. We know, however, from *Plymouth Court Records, 1686-1859*, meticulously edited by David Thomas Konig, that between 1686 and 1692, as Plymouth Colony experienced political changes leading to its absorption into the Province of Massachusetts Bay, the names of Bridgewater inhabitants occasionally appear in the civil and criminal court records of Plymouth County, a political entity created in 1685. The court session of October 1686, for examples, dealt with two such cases. In one of them, the defendant was fined for breach of peace “by striking” three members of the Leach family, with the most serious charge being the assailant’s endeavor “to scratch out” the eyes of Giles Leach and threatening “to take away his life.” What led to such violence is not mentioned in the court records; whether or not the punishment fit the crime I cannot say. Fining was a common penalty imposed upon a wrongdoer, indicative not only of the absence of prisons, but also the need to retain the labor of every able-bodied citizen in sparsely-settled New England settlements of the late seventeenth century. At the same court session, another Bridgewater citizen was charged with “sporting on the Lord’s Day in the public Meeting house in time of exercise [I presume the Sunday morning church service].” He was dismissed after paying a fine, acknowledging his wrong behavior, and promising to mend his ways. Owning up to one’s transgression, as we shall see, remained part of the punishment process for many decades to come, whether the hearing was held before the courts or church congregations.15

In his 1884 history of Bridgewater, Joshua Eddy Crane, after extolling the ministry of Rev. James Keith, who served as Old Bridgewater’s first ordained pastor between 1664 and 1719, wrote: “It is much regretted that the early records of the first church have been lost, and much that would have been treasured in the history of the first parish remains only in tradition.” Some of the missing material undoubtedly would have given us a fuller picture of the church’s efforts to control the behavior of its parishioners, with the goal of creating and maintaining a Puritan society. In June of 1650, six years before Bridgewater became Plymouth Colony’s first incorporated inland settlement, the General Court passed legislation aimed at those slandering a church or minister and ordering “a fine of ten shillings or a whipping for persons profaning the Sabbath.” In the following year, as the first church was being organized in the part of Old Bridgewater that later would become West Bridgewater, the Court went further in fostering the homogeneous nature of the colony’s communities by requiring attendance at the established Congregational church. Langdon’s account of Plymouth Colony suggests such measures gave “little check to the decline of religion,” but I think this was not entirely the case in Bridgewater’s early years. As a new and small community of planters, who still identified with their Pilgrim heritage, knew each other well, and attended the same and only meetinghouse, the influence of the First Parish Church in

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15 *Plymouth Court Records, 1686-1859*, edited by David Thomas Konig with an Introductory Essay by William E. Nelson (Wilmington, Delaware: Michael Glazier, Inc., In association with the Pilgrim Society, 1978-), Vol.1, p. 189; I was fortunate in finding this multi-volume work in the library of the General Society of Mayflower Descendants in Plymouth, Mass; the staff of this library was more than helpful to me; Friedman, *Crime and Punishment in American History* (New York: Basic Books, 1993), pp. 37-41; Walker, *Popular Justice*, pp. 2-3, 16; Chapin, *Criminal Justice in Colonial America, 1606-1660*, p. 51; although this latter source only goes to 1660, four years beyond Bridgewater’s incorporation, it was especially helpful to me in understanding the imposition of fines as “the most common
setting and informally imposing Puritan religious and moral standards was considerable indeed.\(^\text{16}\)

This is not to suggest that church congregations in Plymouth Colony acted as courts of law. (Even in England, this practice had “come under increasingly heavy attack in the early seventeenth century.”) Rather, those church members accused of errant behavior, including fornication or other unacceptable forms of sex, drunkenness, idleness, lying, theft, and unorthodox theological opinions, would be required to appear before an assembly of fellow parishioners. Certain violations of acceptable behavior, such as inappropriate sexual conduct or failure to attend church, would often be dealt with by “intense surveillance [called snooping in our day] by neighbors.” A “shaming” process then took place, with the “sinner” publicly named, asked to make a public admission of guilt, and required to work toward redemption. Hopefully, this approach had the desired result when the names of “young people” accused of causing “disorder” in “the galleries” of the Bridgewater meetinghouse on a Sunday morning in 1694 were publicly declared after the service was over. Most cases involving serious social and religious misconduct were prejudged by pastors and/or church elders, and their decisions were merely ratified by the congregation. Such a procedure “was a trial only in the sense that it was an excruciating experience” for the person being charged and then found guilty. In cases involving serious threats to the religious and social order and mores of the community, an abject confession was demanded of the errant church member before the long process of being “readmitted to the covenanted congregation” could begin. Any other plea “added contempt to existing charges,” and could result in the guilty party in extreme cases being excommunicated from the church.\(^\text{17}\)

Sources providing information on the role of town meetings and officials, including constables, in maintaining social control and harmony during the three decades following Bridgewater’s incorporation appear to be as scanty as church records. Keeping in mind that early “Bridgewater was little more than a few dwellings and farm-holdings,” its small and fledging civil government, nonetheless, joined with the town’s Congregational church in creating a two-tiered system of justice, the aim of which was to maintain a cohesive and orderly religious society. This dual approach was possible in good measure because those in attendance at town meetings and church services, including the church leaders and town officials, were the same people. Most likely, Reverend Keith was consulted before a town meeting on May 12, 1686, appointed John Ames Jr., Thomas Snell (“probably the largest landholder” in Bridgewater at this time), and Edward Mitchell, “to look after the boys… on the Sabbath that they may be not disorderly…” Commenting generally about towns in seventeenth century New England, one author put it this way: “The normal harmony between the officers of the two systems resulted in a finely meshed

\(^{16}\) Crane, p. 775; Langdon, Pilgrim Colony, p. 67; HH, p. 35; it would seem that the issue of church attendance in Old Bridgewater became even more of an issue toward 1700, when settlers were moving into southern, eastern, and northern parts of the town, making attendance at the church in the original western settlement more difficult, particularly in the harsh winter weather; this problem was generally alleviated when four new parishes, each with its own meetinghouse, were established in the first half of the eighteenth century; created in 1716, the South Parish would become present-day Bridgewater in the early 1820’s.

\(^{17}\) Mitchell, p. 66; Old Bridgewater Tercentenary, 1656-1956; Chapin, Criminal Justice in Colonial America, 1606-1660, pp. 92-93; Walker, Popular Justice, pp. 18-19; Friedman, Crime and Punishment in American History, p.
net that trapped most erring citizens.” If Reverend Keith, who served Bridgewater’s First Parish Church between 1664 and 1719, and the church elders labored to fill the pews of the meetinghouse on Sunday mornings, town officials, backed by a vote of the town meeting on November 3, 1656, sought to ensure citizen involvement in the town’s civic affairs. Relying upon Mitchell’s history, we know this meeting, held five months after Bridgewater was incorporated, “agreed…that all who neglect to attend a town meeting after lawful warning shall pay 1s. 6d.; and for tardiness, and not answering when their names are called, 9d.---and the same for going away before the meeting is closed.” (Now-a-days, most Bridgewater citizens would deem such a measure as violating their right not to perform their democratic duty).

Attending church services and town meetings made it well-nigh impossible for citizens to plead ignorance on what was and what was not acceptable social behavior.18

Despite the lack of firsthand accounts, it is safe to assume that Bridgewater in its early days shared with every other colonial community the problem of excessive alcoholic consumption. Whether this small community fits into the well-documented assertion that drunkenness was “the most common colonial misdemeanor,” I cannot affirm. In common with the rest of Puritan New England, however, many residents of early Bridgewater most likely enjoyed the hospitality associated with moderate consumption of a variety of intoxicating drinks, including hard apple cider, whiskies of various kinds, wine, ale, beer, and the popular “West Indian beverage” or “rum.” But excessive drinking was another matter since drunkards might not only disturb the peace, but their uncontrolled habits could lead to idleness, something a small and fragile frontier community like Bridgewater in the late 1600’s could hardly afford. To assert public control over the abuse of alcohol, the town in 1670, with the approval of the General Court, granted John Howard (originally spelled Haward), “a man of much influence in the plantation,” a license “to keep an ordinary or tavern, the first public house opened in Bridgewater.” Both Howard and his “young pastor, Rev. James Keith,” while agreeing “indiscriminate sale” of alcohol “was a hindrance to moral and material progress,” also recognized that the “sale and use of intoxicating drinks was there to stay.” Located on what is now Howard Street in West Bridgewater, not far from the banks of the Town River, this tavern remained under the proprietorship of Howard for thirty years; even more remarkable, it was run by his descendants until 1821, seventeen years before this old landmark was torn down. One suspects that Howard and his wife, nee Martha Hayward, maintained a respectable establishment where stories about the landing at Plymouth, the hardship of the Pilgrims’ first winter, the purchase of Bridgewater, and, of course, the memories of the more recent so-called King Philip’s war were shared by patrons, who enjoyed the warmth created by whatever drink was being imbibed and, on a

cold winter day, by “the huge backlog ever glowing in the big open fireplace.”

Stopping at Howard’s tavern for a favorite libation and good conversation must have been an important part of the hardly-exciting social life of the farmers who made up by far the largest segment of Bridgewater’s small population. But did having a licensed “ordinaire” help the community walk the fine line between temperate and intemperate use of intoxicating liquors? Did reports of drunkenness, for instance, prompt the civil authorities in 1671 to appoint “John Hayward of the plain, and Nathaniel Willis to enquire who drink strong liquors” in public establishments? The paucity of town and church records makes it difficult to answer this question. Lending credence to the conclusion that intemperance plagued early colonial Bridgewater, however, is Reverend Keith’s sermon at the dedication of a new church in the town’s recently created South Parish (became present-day Bridgewater in the 1820’s) on June 14, 1717. Having served the town’s First Parish Church for over fifty years at that point, the “aged pastor” could speak with great authority as he lamented the long history of alcohol overindulgence.

Some later observers, influenced by the occasion on which they were expressing their views, were more sanguine about early Bridgewater’s reputation as a temperate community. In the keynote speech given at the celebration of the two-hundredth anniversary of the incorporation of Old Bridgewater on June 3, 1856, Hon. Emory Washburn of Worcester, Massachusetts, the state’s governor in 1853-1854, cites the findings of “those who made it a subject of investigation” as follows: “…drunkenness and its kindred vices were unknown among them; and not a single conviction of an inhabitant of the town, for any crime involving moral turpitude, was had while Plymouth existed as a colony.” Loss of early church records, the likelihood that many cases of drunkenness in Bridgewater did not reach the General Court, and the founding of the “Bridgewater Temperance Society,” forty years before Washburn’s speech may have, each in its own way, contributed to this orator’s somewhat filiopietistic remarks. In the same optimistic vein, Nathan W. Littlefield, the main speaker at the two hundred and fiftieth anniversary celebration of Old Bridgewater’s founding in June of 1906, confidently declared: “The cause of temperance earnestly advocated by the first pastor and supported by his people has always been and now effectively maintained here.” While the addition of the town’s name in 1891 (Littlefield was referring to present-day Bridgewater) to a long list of surrounding communities supporting a “no-license” policy lent some credence to this sweeping conclusion, a more balanced view might have taken notice of the following view expressed by the Bridgewater Independent on November 17, 1905: “There is no getting around the fact that there is a strong feeling that a great deal of liquor is


20 James Keith, “A Sermon Preached to a New Assembly of Christians at Bridgewater on 14 d. VI. m.1717;” I used a copy of this source retyped and reprinted by the Old Bridgewater Historical Society and found in the Bridgewater Public Library; Mitchell, p. 61; Kingman, History of North Bridgewater, pp. 319-320.
being dispensed unlawfully in town and that a square deal [shades of Theodore Roosevelt] is not being
given in the matter of law enforcement as relates to this particular traffic.” (More about this matter later
on in the essay.)

It would be interesting to know if some of the conversations at Howard’s tavern in the 1680’s
and early 1690’s were about political, legislative, and imperial issues that began to impact all the
communities of the Old Colony. Perhaps Thomas Hayward and John Howard, who succeeded Willis as
Bridgwater’s representatives to the General Court at Plymouth, kept the patrons of the tavern informed
about such matters. Hayward, like his predecessor, was “one of the first settlers of Bridgewater,” and
later described by Mitchell as “by far the most honored and distinguished man” in the town.” Howard
we already know as the proprietor of Bridgewater’s first Ordinary. During the middle 1680’s, the
General Court enacted legislation which, among others things, impacted the criminal justice system of
towns within its jurisdiction. In a far-reaching measure, made necessary in part by an increasing
population, this body voted in June 1685 to divide Plymouth Colony into counties, something which
Massachusetts Bay Colony had done in 1636. Three such political entities, Bristol, Barnstable and
Plymouth, were created, with Bridgewater becoming part of the latter. Each of the counties was to have
an office of sheriff and two courts with “the authority to hear and determine all civil and criminal cases
except for divorce and crimes punishable by death, mutilations, or banishment.” (Evidently, trials of
major crimes were still heard by the Court of Assistants in Plymouth.) It seems probable that some in
Bridgewater, joining with other like-minded citizens in the colony, opposed the creation of county courts
on the grounds that neither “townsmen nor towns” were directly represented in them. The law was not
repealed, however, and county courts, indicative of the “growing complexity of jurisprudence in
Plymouth Colony,” remained in place after it was united with Massachusetts Bay Colony in 1691.

If the creation of county courts was the “most fundamental change” found in the 1685 revised
compilation of Plymouth laws, this new Book of Laws, published in Cambridge, also tells us a great deal
about the colony’s attitude on judging criminal behavior and setting societal standards for daily living in a
Puritan community. I don’t know what role, if any, Bridgewater’s deputies, Willis, Hayward and
Howard, played in the three-year proceedings leading to the new codification of laws, but I assume
Hayward, Bridgewater’s deputy at the time, voted in favor of the new document. Among other things,
the list of prohibitions in the compilation included: playing cards; night walking, except by known
peaceable and orderly inhabitants; stealing the affection a man’s daughter without his permission; and
drunkenness (Plymouth passed numerous laws in the seventeenth century providing specified fines for
this unacceptable behavior). One would hope that Bridgewater representatives in the General Court

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21 Emory Washburn, “Address on June 3, 1856,” Celebration of the Two-Hundredth Anniversary of the Incorporation
of Bridgewater, Massachusetts, p. 60; Littlefield, “Bridgewater--Past and Present,” BI, June 15, 1906; BI, Nov. 17,
1905; Davis, History of the Judiciary of Massachusetts, pp. 247-248;
22 Mitchell, pp. 35, 181; Davis, “Chapter I. Geographical and Descriptive,” and “Chapter II. The Courts and Bar,”
History of Plymouth County, compiled by Hurd, pp. 1, 4; Langdon, Pilgrim Colony, pp. 204-207; Nelson, Dispute and
Conflict Resolution, p. 5; Hanna, A History of Taunton Massachusetts, pp. 61, 63; Melville, Major Bradford’s Town;
fervently supported the law making the Sabbath a day of worship and rest, not one on which to catch up
on everyday things not done during the week or to engage in activities such as playing sports, walking or
riding about town, and visiting friends and neighbors, other than “on an errand of mercy.” On an even
more somber note, “idolatry, blasphemy, and rebellion by a child over sixteen were now included in the
list of capital crimes. 23

How to fairly assess the provisions of what proved to be the last compilation of Plymouth’s laws
is not an easy task. Some later writers saw the increased regulation of life in New England as an attempt
to hold back forces that were threatening the very fabric of a community committed to maintaining a
Puritan way of life. Especially critical was H. L. Mencken, a social satirist of the 1920’s, who defined
Puritanism as “the haunting fear that someone, somewhere, may be happy.” On the other hand,
Langdon’s authoritative history of Plymouth Colony sees the more detailed listing of “don’ts” as letting
inhabitants, including those in Bridgewater, “know what they could and could not do” and “what the
penalties were” for breaking the law. Unlike the code adopted twenty years before Bridgewater became
an incorporated town, which only provided for trial by jury, the one of 1685, continuing a trend evident in
the 1672 compilation, contained many legislative enactments aimed at protecting the rights of those
accused of committing “major criminal acts” and “petty crimes and misdemeanors…. 24 To what extent
this latest compilation directly effected Bridgewater’s 350 or so inhabitants cannot be measured. Most
law-abiding citizens probably were much more concerned with such matters as tilling their fields,
attending the First Parish Church on the Sabbath, going to town meetings, and, yes, enjoying “their
punch,” on such occasions as weddings and raisings. As with other communities in Plymouth Colony,
the town government and the local Congregational church, working hand in hand, most likely had a more
immediate impact on maintaining law and order and, in a broader sense, promoting ethical and religious
standards associated with the Puritan-Pilgrim way of life. Also, events, over which the General Court
would have little say, began to enfold that would result in the end of Plymouth Colony as an independent
political entity. 24

Bridgewater--Part of the Dominion of New England

1686-1689

In October of 1684, climaxing two decades or so of steady movement toward imperial control

23 Langdon, Pilgrim Colony, pp. 208-209; for a concise account of the changing interpretations of the Pilgrim-Puritan
era see the essay “The Puritans: Bigots or Builders” by Gerald N. Grob and George Athan Billias in the sixth edition
of their two-volume work, Interpretations of American History: Patterns and Perspectives (New York: The Free Press,
Colony;” Langdon, Pilgrim Colony, pp. 204, 208-210; Nelson, Dispute and Conflict Resolution, p. 5; Patricia Scott
Deetz and James Deetz, “Population of Plymouth Town, Colony & County, 1620-1690,” http://www.histarch.uiuc.edu/plymouth/townpop.html; my educated guess of Bridgewater’s population in the
middle1680’s is based on this latter source’s estimation of the town’s population at 440 in 1690; it appears that their
number was obtained from Evarts B. Greene and Virginia D. Harrington’s American Population Before the Federal
Census of 1790 (New York, 1932); Melville, Major Bradford’s Town, p. 60.
over its North American empire, England under Charles II revoked the 1629 charter of Massachusetts Bay Colony, turning this thriving Puritan colony into a royal one. Still hoping for a fulfillment of the King’s promise in 1679 to grant Plymouth a long-sought-after charter, this colony heard the news in April of 1685 of Charles’s death two months earlier and his brother James II’s succession to the throne. The new monarch, hardly enamored by Puritanism, not only reneged on his brother’s commitment to Plymouth Colony, but also expanded the crown’s project of consolidating England’s control over its North American colonies. Such a policy had two goals. It would help enforce England’s Navigation Acts, thereby strengthening the mercantilist theory that colonies existed mainly for the economic benefit of the mother country and would aid in coordinating the “mutual defense of the colonies against the French and hostile Native Americans.” In 1686-1688, the colonies of Plymouth, Rhode Island, Massachusetts Bay, Connecticut, New Hampshire, New York, West Jersey, and East Jersey were united under a single government called the Dominion of New England, headed by royally-appointed “Governor-general” Edmund Andros, who had served as governor of the royal colony of New York between 1674 and 1681 and was “a loyal member of the Church of England.”

What did Bridgewater inhabitants think about this new political arrangement, and what impact, if any, did the changes have on law and order in this sparsely-populated inland community, which for over thirty-five years had been part of Plymouth Colony? Perhaps some in the town agreed with Joseph Dudley, a prominent citizens of Massachusetts Bay who headed a temporary council to govern the colony before Andros’s arrival, that consolidation would result in administrative and economic advantages for both the mother country and her colonies. Possibly influenced by their memories of King’s Philip’s War, some Bridgewater residences might have seen the Dominion leading to “a badly needed unified policy in regard to the Indians and to the growing power of France along the northern frontier.” But shortly after Andros’s arrival in Boston, “accompanied by two companies of royal infantry,” on December 20, 1686, certain disadvantages for colonial communities became apparent. The new government made no provision for an elected assembly, and Bridgewater and the other towns in Plymouth Colony, which were used to having deputies in that colony’s General Court, found themselves deprived of any meaningful representative government. None of the six men from Plymouth Colony who were appointed by Governor Andros to serve on his council, which initially consisted of thirty-nine members, were from Bridgewater. Nor, I suspect, did anyone from this town sit on smaller councils to aid in ruling outlying parts of the Dominion. Perhaps this was a blessing in disguise since a trip to the Bay Colony’s capital, especially in winter, proved to be more arduous than one to Plymouth. Moreover, the attendance of the Plymouth delegation at the sessions held by Andros became smaller and smaller, as it became apparent

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that the governor “preferred to work with a few men he could trust….”

Doing away with representative government, including being taxed without consent, and the inconvenience of traveling to Boston to attend to civil and criminal matters were not the only grievances against the regime of the new governor, who soon was labeled “tyrant Andros.” Disestablishing Congregational churches by requiring them to rely on voluntary support for their existence and limiting town meetings to one a year and only for the “election of selectmen and assessment of taxes” were especially threatening to the towns of Plymouth Colony. The weakening of these two vital institutions, when coupled with the fact that Andros’s royal commission, among other powers, gave him the right to “administer justice,” threatened the long tradition of local churches and governments working together to maintain standards of behavior conducive to social harmony and righteous living. Most likely, however, the influence of Bridgewater’s First Parish was hardly diminished since it remained the only church in the town until four additional Congregational meetinghouses and a small Anglican chapel was erected in the first half of the eighteenth century. Moreover, “miscellaneous extracts” from town records during the Dominion years, cited in Mitchell’s work, reveal a local government doing more than just holding elections and levying taxes.

While anger was rising in the towns of Plymouth Colony against the policies of Governor Andros, developments in England were occurring that would lead to his overthrow and the collapse of the Dominion of New England and, at least in the short run, a return to the political situation in the Old Colony that had existed before this attempt at consolidation. From the start of his reign, King James’s scorn for the rule of Parliament and his propensity for Catholicism rather Anglicanism aroused much opposition in that body and the country. This tense situation was further exacerbated when his second wife, a Catholic, gave birth on June 10, 1688, to a son who would surely be reared in his mother’s faith and succeed to the throne at his father’s death. Opposed to these possibilities, a number of Whig and Tory leaders issued an invitation to William of Orange, Stadtholder of Holland, and his wife Mary, James’s eldest daughter and a Protestant, to take part in a revolution to overthrow James II and to assume the throne of England. The details of the rapidity of events by which this was accomplished without any major fighting in the so-called Glorious Revolution need not detain us here. More germane to our story is how James’s abdication in December and the formal acceptance of the throne by William and Mary in February 1689 was received and acted upon by the colonies of Massachusetts Bay and Plymouth, keeping in mind that news from England could only reach her North American colonies by someone traveling by sea and that sometimes news events were not received in chronological order.

27 Mitchell, pp. 63-65; Langdon, Pilgrim Colony, pp. 215-222; Hanna, A History of Taunton Massachusetts, pp. 61-63; Barck and Lefler, Colonial America, pp. 219-220; “Accepted Streets,” Town of Bridgewater, p. 9; neither Mitchell nor Crane’s histories of Bridgewater deal with the Dominion of New England.
On April 4, 1689, word reached New England (including Bridgewater, I assume) that William had invaded England and that before doing so had issued in January a “Declaration” indicating his intention of ridding England of “arbitrary power” and restoring “parliamentary government.” To New Englanders, this report of recent events confirmed their view of the tyrannical nature of the rule James II had imposed on them. For the inhabitants of the Massachusetts Bay Colony, these developments were especially auspicious since they had learned three months earlier of the opinion of England’s attorney general that the charter of their colony had been “illegally vacated.” Two weeks after learning of William’s invasion and not yet knowing of its outcome, a rebellion broke out in Boston which led to Governor Andros’s arrest and deportation to England and the Bay Colony’s decision to restore its charter and swear allegiance to William and Mary. Between the successful Boston revolt on April 18 and confirmation of William’s success several weeks later, “New England reverted to the constituent governments which existed in 1686.” The short-lived Dominion of New England was dead. But the return to the “old days” proved to be elusive and did not last long for either Massachusetts Bay or Plymouth colonies.  

After hearing of Andros’s ouster, Thomas Hinckley, Plymouth’s governor between 1680 and the creation of the Dominion, quickly asked all the towns to send delegates to a May meeting at Plymouth for the purpose of discussing the restoration of the colony’s government. Bridgewater, whose population of around 450 made it the third largest town in Plymouth County, complied by sending Thomas Hayward, who had served in the General Court before the consolidation, and William Brett 2d, described by Mitchell as “a respectable man and a deacon.” Perhaps having qualms over his right to “assume responsibility for reestablishing the former government,” Hinckley most likely saw this gathering as informal and opposed any changes being made in the pre-Andros government. Delegates from some towns had other ideas, suggesting liberalization of certain franchise requirements. Scituate, largest town in Plymouth County, with a population of 865, protested, as it had done in 1685, against creation of the county courts. At this point in my research, I know nothing of Brett’s and Hayward’s reaction to these proposals or if they suggested other changes in the laws governing the colony. No concrete action, however, was taken at this first meeting, except the calling for elections of representatives to attend a session of the General Court in June. But stirrings of political unrest evident at this first gathering in Plymouth following the demise of the New England Dominion did not augur well for the future stability or even survival of the Old Colony.

As representatives from towns gathered in early June, I suspect few had any allusions of simply

29 Davis, History of the Judiciary of Massachusetts, pp. 16-17; Langdon, Pilgrim Colony; I have relied greatly on Langdon’s account of the above events, hopefully adhering to its closely-knit chronological development; Barck and Lefler, Colonial America, pp. 221-222; Melville, Major Bradford’s Town, p. 61; Cornelius Dalton, John Wirkkala, and Anne Thomas, Leading the Way: A History of the Massachusetts General Court 1629-1980, edited by Cornelius Dalton (Boston: Published by the Office of the Massachusetts Secretary of State, Michael J. Connolly, 1984), p. 36.
returning to the pre-1686 days when Plymouth Colony had pretty much been self-governing. While the Court took the step of restarting the old government under the 1685 *Book of Laws*, the legality of the session was much in doubt since the Colony still had no royal charter. Indicative of this concern, the Court directed Governor Hinckley to ask the new King, William III, to grant one to Plymouth, which would include the colony’s right to require public support of the Congregational churches. William responded by vaguely promising to “to look out for his colonies in New England.” How closely these developments were watched by the inhabitants of Bridgewater is difficult to say, but the town joined its neighbors, Taunton and Duxbury, in promising to contribute to the cost of securing a charter for the Colony; its attempt at raising 200 pounds, however, proved unsuccessful. Perhaps local officials in Bridgewater saw the re-instatement of colony-wide criminal laws as aiding in their efforts to cope with major crimes, if need be, by relying on the legal resources of the county and General Court. Like other Congregational ministers, Reverend Keith of Bridgewater’s First (and only) Parish was probably hopeful that the overthrow of the hated Andros regime would restore Puritan-Pilgrim churches as the guardians of public righteousness.³¹

At the very time the authority of the General Court was beginning to be challenged, Plymouth Colony, along with rest of New England, was faced with external pressures, as England and France began a long struggle over which of them would be the dominant colonial power in North America. No attempt will be made here to discuss the military conduct of King William’s War (1689-1697), the North American phase of the much larger European conflict known as the War of the League of Augsburg, which was ended inconclusively by the Treaty of Ryswick. But Plymouth’s decision in September of 1689 to join other New England colonies in an effort to defend the northern frontier against incursions from the French and their Indian allies would have far-reaching political consequences for the Old Colony, including Bridgewater. To ensure financial support for this undertaking, the General Court in October passed a war tax. Bridgewater complied with this legislation, but Bristol, Dartmouth, Swansea, and Eastham (perhaps feeling they were geographically far-removed from any danger) refused to pay. In 1690, the war did not go well for the New England colonies, and their failure to take Quebec in the fall of that year increased the opposition to the war within Plymouth Colony. Bridgewater, which had given financial support for both the procurement of a charter and the conduct of war, voted in early summer of 1691 not to “pay any more money towards the Canada expedition” until the “rest of the towns in the colony” paid their tax bills for 1690. This ultimatum, according to Langdon, “stated what was already clear: the General Court had ceased to function as an effective instrument of government.”³²

A combination of factors contributed to the chaotic political situation in Plymouth Colony by the fall of 1691. The failure to secure a charter from William III has to be considered, with strong evidence suggesting the efforts of Governor Hinckley and some of the colony’s assistants to secure such a

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document were from the start only half-hearted at best. And, three years after the fall of the Dominion government, Hinckley even welcomed the prospects of Plymouth being annexed to Massachusetts, the much stronger Puritan colony to the north, as a way of assuring the survival of public support for education and religion, which some citizens felt had precipitously declined in the Old Colony. More generally speaking, there was a “temper of restlessness which gripped New England” following the deposing of Andros. Most likely many inhabitants of Plymouth’s towns were not predisposed to a return of the old order that had controlled community life since the founding of this Pilgrim Colony seventy years earlier. We can only speculate whether or not this internal instability alone would have brought an end to Plymouth’s political independence. When “failure in domestic leadership” was coupled with “pressure of a resolute foreign enemy,” it is not surprising that the days of the colony, one of the original seven jurisdictions in colonial America, were numbered. How many of Plymouth inhabitants, estimated at 7,000 in 1691, realized or cared that the colony’s independence was less important to England than its desire and hope that a new attempt at colonial consolidation, while more benevolent than the abortive one of the late 1680’s, would aid in the struggle with France for control of North America.33

Bridgewater-Part of the Province of Massachusetts Bay
1692--1770’s

Bridgewater, a small agricultural town of around 500 inhabitants, could not have been surprised on hearing in the spring of 1692 the news of England’s decision on October 7 of the previous year to create the Province of Massachusetts Bay. This new crown colony included the former colonies of Massachusetts Bay and Plymouth, the Province of Maine, the islands of Martha’s Vineyard and Nantucket, both off the coast of southeastern Massachusetts, and, until 1696, the Province of Nova Scotia. Except “for a spasm of revolt at Little Compton” (now part of Rhode Island’s southeastern coastline), the towns of defunct Plymouth Colony, including Bridgewater, took the news in stride. Unlike England’s previous attempt at colonial consolidation, the communities of the former Plymouth Colony were to have a say in the new government by sending representatives to the lower house of the restored Massachusetts General Court at Boston. Moreover, this body gained the right to nominate members of the Governor’s Council. The new charter went into effect on May 14, and, in response to writs sent from England, towns elected their representatives for the June meeting of the General Court, a nomenclature still applied to the legislature of Massachusetts. Bridgewater chose two well-known citizens, Josiah Edson and David Perkins. Son of Deacon Samuel Edson, one of the town’s first settlers and owner of its first mill, Josiah had built “a large house on the way to Scotland” (became part of old Bridgewater’s South Parish in 1716) shortly after King Philip’s War, 1675-1676. He became known as “old Justice Edson.” Perkins in 1694

built a dam for “mill purposes” spanning the Town River, where it crossed Prudence Lane (later that part of High Street not far from Main Street in present-day Bridgewater). Both were chosen several times to represent Bridgewater in the Province’s General Court.34

The last official meeting of Plymouth Colony’s General Court, held on June 8, 1692, was an important turning point in the judicial history of Bridgewater. Part of Plymouth Colony until 1691-1692, it was first settled in the late 1640’s, incorporated as a town in 1656, and made part of Plymouth County in 1685, all the while, like the rest of the colony, owing its ultimate allegiance to England. Thanks to a decision in 1638 by the General Court at Plymouth to adopt the principal of representation, the colony’s towns through their elected deputies had a say in the laws passed by this legislative and judicial body, some of which dealt with preventing and punishing criminal actions, others promoting social behavior in line with the moral and religious purpose of the colony. Bridgewater’s representatives sat in the Court when it approved the 1658, 1672, and 1685 compilations of laws. The latter code was clearly intended to control more of the everyday activities of the colony’s inhabitants, while, at the same time, ensuring procedural measures to protect the rights of those accused of crimes. But a perusal of these codifications hardly gives the full picture of law and order in Bridgewater during its years as part of Plymouth Colony. More research, I suspect, would confirm the general conclusion that major crime, requiring the attention of the General Court, hardly plagued this small inland community in the last half of the seventeenth century. Furthermore, most misdemeanors and violations of acceptable social behavior in Bridgewater were taken care of by collaboration between Reverend Keith and the deacons of the First Parish Congregational Church and civil authorities, including selectmen, constables and other town officials.

England’s successful plan in 1691-1692 to consolidate control over its New England colonies, however, meant that Bridgewater for the next eighty years or so would be under the jurisdiction of the royal Province of Massachusetts with its capital in Boston. Matters of law and order would be shaped by continuity and change in this new political arrangement.

Around a year after the Provincial government became functional, the Congregational Church in Plymouth, which continued its role as the shire town of Plymouth County, “held a day of Thanksgiving,” praising God “that the government was still in the hands of the saints.” Whether a similar gathering was held in the First Parish Church in the Old Bridgewater I don’t know. But, given the turmoil of the years between 1686 and 1691, many of its inhabitants probably welcomed becoming part of the larger and more prosperous Puritan colony to the north; according to the census of 1690, for instance, the population of the Bay Colony was 49,504, compared to 7,424 for the Plymouth Colony. Not the least among the benefits accruing from this new political arrangement was the re-establishment of a legal system, part of which

dealt with criminal justice.  

Before looking at the roles played by the Province, town, and five Congregational churches in shaping and maintaining law and order in Bridgewater during the eight decades or so before the American Revolution, several general observations about this town might provide at least a rudimentary setting for understanding how the intertwining efforts of these entities sought to promote social peace, harmony, and, indeed, conformity with the Puritan ethos of the previous century; this latter goal, it might be added, proved increasingly elusive. As had been the case since its founding, what we now call the Old Bridgewater remained part of British North America until the American colonies and their mother country came to a parting of ways, officially in 1776. During these one hundred and twenty years, the town’s ultimate political allegiance was to England, a bond that in some ways became even stronger when Plymouth’s first inland community, along with the rest of this colony, was integrated into the crown colony of the Province of Massachusetts Bay. When this took place, Bridgewater remained in Plymouth County, but this political entity, created in 1685, now became part of the Province. Towns continued to play vital roles in the political life of colonial Massachusetts in the eighteenth century. Concerned mainly with local affairs, town governments and the citizens they represented still thought of themselves as part of British North America. If some colonials resented mercantilist policies as being more favorable to the economic interest of England, they, nonetheless, supported her, in part because of self-interest, as she fought a series of wars with France between 1689 and 1763 for the control of North America. Listings found in Crane’s 1884 history make it abundantly clear that Bridgewater men “had a large share” in the so-called French and Indian War (known as the Seven Years War, 1756-1763, in Europe). England’s victory in this conflict, sealed by the Treaty of Paris, was hailed by the Province’s inhabitants, since it secured England’s control of North America and, more specifically, finally ended the threat posed by the French and their Indian allies to New England. Few, if any, in Massachusetts Bay could have anticipated in 1763 that thirteen years later the American colonies would declare their independence.  

Other considerations also contributed to the contextual framework for understanding Bridgewater’s approach to law and order in the pre-Revolutionary era. Representing a nine-fold increase, the town’s population grew from 440 in 1690 to 3,924 in 1765, making it the largest in Plymouth County and the fifth largest in the entire Province of Massachusetts. At its greatest extent, Old Bridgewater covered ninety-six square miles, but was reduced to about seventy square miles in 1754, a size that was retained until four of its five parishes or precincts, formed between 1716 and 1743, became separate towns in the early 1820’s. Of particular importance (as we shall see below) to our discussion of Old

36 Crane, pp. 797-799; “Historical Sketch—Provincial Period (1692-1774),” Archives: Massachusetts Archives Collection (also known as the Felt Collection), pp. 4-5, http://www.sec.state.ma.us/arc/arccol/cmac.htm; numerous historical studies have been written on the conflict between England and France as they vied for control of North America, including the magisterial nine volume study of Francis Parkman, France and England in North America, written between 1865 and 1892, and the equally impressive fifteen volume work of Lawrence H. Gipson, The British
Bridgewater’s efforts at maintaining domestic order is the fact that the overwhelming number of its inhabitants, even if they were not members, attended the Congregational church in their particular parish. Despite the reduction in size in 1754, Bridgewater continued to share with its next door neighbor, Middleboro, the distinction of being one of the two largest land areas in Plymouth County. Throughout the eighteenth century, the overwhelming number of Bridgewater folk were engaged in agricultural pursuits, tilling the rocky soil for which New England was noted. Unlike some of the coastal communities of the Province, few of its residents were involved in large scale commercial enterprises.\footnote{Mitchell, p. 23; Kingman, “Bridgewater,” The Plymouth County Directory, p. 29; Bridgewater Book, pp. 19-21; Nelson, Dispute and Conflict Resolution, pp. 5-8, 171; HH, pp. 36-37, 141; Townscape Institute, pp. 11-18; this latter work, a comprehensive survey of Bridgewater’s historic architecture, was initiated in 1983, when the Board of Selectmen “received a grant from the National Park Service, Department of Interior, through the Massachusetts Historical Commission;” the Townscape Institute was contacted to do the survey, which was done under the direction of Edward W. Gordon; copies of this “unpublished” work can be found in the Bridgewater Public Library.}

If agriculture was surely the foundation of Old Bridgewater’s economy, there were early portents that manufacturing would have a role in the town’s future development. Limitless amounts of rich clay along river banks, forests of oak and pine, bog or swamp iron ore, especially in the area of Lake Nippenicket, and the potential for water power afforded by rivers and streams did not go unnoticed by the early generations of Bridgewater’s settlers. With time on their hands during the region’s long and harsh winters, farmers acquired mechanical skills which helped them craft their own farming implements, often using a combination of iron and wood. Nor was the town without small-time enterprises, including sawmills, gristmills, slitting mills, a tannery, foundries, and blacksmith shops. Perhaps there was no better-known eighteenth century Bridgewater “manufacturer” than Hugh Orr. In the 1740’s he supplied weapons in King George’s War, part of the long struggle between England and France for the control of North America, and, even more important, made cannons and other weapons between 1775 and 1783 to aid Americans in their struggle for independence.\footnote{See pages 1-3 in my essay on Bridgewater manufacturing through 1910; Thomas P. Moran and The “Highlights” Staff, “Bridgewater in War,” HH, p. 130; Mitchell, p. 262; Benjamin W. Harris, “East Bridgewater,” Bridgewater Empire before the American Revolution, written between 1936-1970.}

To what extent the Provincial government through its royally-appointed Governor and elective General Court, located in Boston, exerted political control over the colony, including its criminal justice system, before the Revolutionary War has been matter of considerable debate, especially since the publication in 1970 of historian Michael Zuckerman’s Peaceable Kingdoms: New England Towns in the Eighteenth Century. Unlike earlier town histories, written mainly by genealogists or local antiquarians, this work presented a thesis, or, some would say, a hypothesis. Zuckerman’s history aroused considerable scholarly debate by maintaining that the towns in the royal Province of Massachusetts became the main source of political power by a process of “internal consensus and accommodation,” and that when this power was threatened by a series of steps taken by England in the decade before the so-called Intolerable Acts of 1774, the inhabitants of Massachusetts were ready to take up the cause of revolution. While a number of scholarly monographs and articles soon challenged Zuckerman’s theme, or least parts of it, his work and those of his critics have added to our knowledge of the criminal justice system.
system created by the Province. Bridgewater is not always mentioned in this rather recent historical literature, surprising in light of its relatively large population and geographic size in the eighteenth century. 39

Throughout the Provincial Period, Bridgewater’s freeholders, men who owned a certain amount of property, were now joined by other town inhabitants in faithfully electing at the annual town meetings well-known freeholders to serve in the House of Representatives, the lower body of the “Great and Generall Court.” If the towns of the former Plymouth Colony were happy to see the re-instatement of popular representation after the authoritarian rule of Governor Andros, they were surely aware of the powers bestowed by the new charter on the royal governor and his Council. This council in effect served as the upper chamber of the two house legislature, a body of twenty-eight men selected annually by the House of Representatives, but subject to the governor’s approval. Despite the authority of the governor and, indeed, the king to veto any acts of the General Court, if “contrary or repugnant to the laws of England,” this branch of the Provisional government, nonetheless, had an important role in shaping and controlling life in the colony, including the rights to organize all courts, establish fines and punishments, and control the salaries of the royal governor and judicial officers. Our concern here is with the criminal justice system established by the Provisional government. The new charter, while drawing from the legal systems of the Plymouth and Massachusetts Bay colonies and the Dominion of New England, included changes in the criminal law codes and the court system. 40

Between 1692 and 1699, the General Court created a structure of criminal justice. It essentially remained in place until the 1770’s, albeit with some changes, including a not completely successful attempt to change how the towns chose juries for cases in the county and Superior courts (see the discussion below). Forming the base of the Province’s complex hierarchical judicial system were the justices of the peace (JPs) and sheriffs. Men who held these county positions, while generally well-known in their areas of jurisdiction, were appointed by the colonial government under the leadership of the royal governors, who themselves had been appointed by and who remained answerable to the king of England. Referred to as “their Majesty’s” Justices of the Peace, these magistrates, most of whom had no formal legal training in the early 1700’s, acted in effect as one-man courts, with jurisdiction over “minor civil actions and petty criminal offenses.” Despite the lack of records for colonial Plymouth


40 Davis, History of the Judiciary of Massachusetts, see appendix E., pp. 384-409, for a copy of the Charter of the Province of Massachusetts; first printed in 1900, Davis’s study is an invaluable source concerning the court structure and those who served it in various capacities; it says little, however, about actual criminal activity between 1620 and the 1770’s; “Massachusetts Government Act, May 20, 1774,” http://teachingamericanhistory.org/library/index.asp?documentprint=2396; “Historical Sketch—Provincial Period, 1692-1774,” Massachusetts Archives Collection, pp. 4-5; Dalton, Wirkkala, and Thomas, Leading the Way, pp.
County’s JPs, they might be considered “the workhorses of the legal system,” making legal decisions, meting out sentences, helping set standards for individual behavior, and maintaining communal order. Thomas Hayward (son of Thomas I), who resided in what is now West Bridgewater, is credited with being Old Bridgewater’s first Magistrate or Justice of the Peace (the two titles seemed to be used interchangeably). He served in the waning days of Plymouth Colony and early years of the Province, before a fall from his horse caused his death on August 15, 1698. In 1700, Elihu Brett, a member of a family associated with Bridgewater since its founding, was appointed a Justice of the Peace, a position he held until “he died suddenly in his chair” in 1712. Col. Josiah Edson, remembered for being the third owner of the so-called Tory House, still standing on the western side of Central Square in present-day Bridgewater (South Parish of Old Bridgewater between 1716 and the early 1820’s), owning a store on Main Street, and remaining loyal to England during the American Revolution, was another well-known JP of Old Bridgewater. Like his father had been in 1713, he was appointed a Special Justice in 1763 and was appointed a mandamus councilor in the early 1774. Carrying the same name as his granduncle and father, Col. Edson was “highly esteemed” for his contributions to the work of the church, town, and province, before fleeing to Boston in 1774, when his fellow citizens gathered at a town meeting to formally condemn what they considered his “perfidious, treacherous, and deceitful” opposition to the colonists’ right to resist England’s encroachments on their constitutional liberties. (More will be said about this important citizen of Bridgewater’s South Parish in subsequent comments about the coming of the Revolution.)

Joining the JPs as part of the Province’s criminal justice system were sheriffs who were appointed to serve in each of the colony’s counties. The “ancient office of sheriff,” as some of Bridgewater’s older inhabitants might have remembered, had been part of the cultural baggage carried to the American colonies by early English settlers. This officer of the law soon became a “familiar figure,” particularly in the Southern and some Middle Colonies where the county system of government particularly took hold. Bridgewater’s first encounter with a sheriff had occurred in 1685, when the General Court created the county system, placing the town in Plymouth County. From that time until the Revolution, the sheriffs of Plymouth County, unlike Bridgewater’s constables who were elected by the town from its incorporation in 1656, were appointed by the colonial governments, whether that of

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Plymouth Colony, Dominion, or Province, and were part of their criminal judicial systems. L. Kinvin Wroth, taking issue with Zuckerman’s thesis about New England colonial towns in the eighteenth century (see page 25), writes: “…the constables were by no means the only enforcement officers. Service of the process and execution upon the judgments of the county and Superior Courts was in the hands of the county sheriffs (also gubernatorial appointees) and their deputies. The county coroners also might assist in service and execution.” James Bryce’s comments in *The American Commonwealth* about sheriffs in the late nineteenth century is equally applicable to those of the Provincial period. He aptly wrote: “The sheriff is everywhere in America neither an ornamental person …nor a judge, …but the chief executive officer attached to the judicial machinery of the county.”42

Despite the relative absence of predatory crimes in eighteenth century Provincial colonial towns, such as Bridgewater, I would need to do more research on JPs and sheriffs in Plymouth County before comparing their roles with that of town officials, particularly constables, in maintaining domestic peace and order. It would be helpful to be able to answer a number of questions. Why was the position of sheriff always held by a resident of Plymouth, the shire town of the county? How numerous were deputy sheriffs and were any of them from Bridgewater? Did local politics in the towns and counties influence the provincial government’s choices of JPs and sheriffs? While being sheriff was not a full-time job, what were the fees paid to them by the county courts for particular tasks, including the serving of subpoenas? Why were civil cases more remunerative than criminal ones? How much time did sheriffs and JPs spend at county court proceedings in Plymouth? Did sheriffs have to provide their own horses in order to perform their duties within and between county towns and in Plymouth? How well did sheriffs and JP’s, both of whom represented the provincial government on the county level, work together on matters of crime and punishment? Were there instances of friction between Bridgewater’s town constables and county sheriffs and JPs over jurisdictional matters in criminal cases? Would the answer to this last question help us to better evaluate the controversy concerning whether the towns, including Bridgewater, or the Provincial government played the dominant role in the criminal justice system in eighteenth century colonial Massachusetts? Was the increased power given to the royal governor by the Massachusetts Government Act of May 20, 1774, in nominating, appointing and removing from office JPs and county sheriffs in response to the growing support these officials had begun to give to those who opposed England’s attempts to tighten control over the Province during the royal governorships of Francis Bernard (1760-1769) and Thomas Hutchinson (1770-1774)?43


A citizen of colonial Bridgewater in the Provincial period who was found guilty in a minor civil or a petty criminal offense by a justice of the peace could on appeal receive a trial *de novo* in one of two county courts in Plymouth, the Inferior Court of Common Pleas in civil cases, the Court of General Sessions of the Peace in criminal cases. Since the main concern of this essay is with Bridgewater’s efforts to maintain law and order, my comments are limited to the second of these two courts, which “remained substantially the same until June 19, 1807....” Sitting in Plymouth four or five times a year and “theoretically” composed of all the county’s JPs, the Court of Sessions, had, among other responsibilities, “jurisdiction over all criminal offenses except a few especially serious crimes reserved for the Superior Court.” Decisions of the county courts could be appealed in the Superior Court of Judicature, Assize, where a party found guilty by the lower court could receive a trial *de novo*. Riding circuit throughout the Province, the Superior Court, made up of five justices, usually held session once a year “in all but the most distant and least populated counties.” One would like to think that a few of Bridgewater’s more civic-minded citizens made the journey to the shire town of Plymouth not only to observe the colorful and ceremonious nature of this Court’s “arrival and convening,” but also to hear the judges commenting on the provincial government’s views concerning the important matters of the day. Other Bridgewater citizens, of course, made their way to their “mother” town to answer criminal charges brought against them. In cases reaching the courts mentioned above, litigants had the right of trial by jury, a part of the legal codes of Massachusetts Bay and Plymouth colonies inherited from English common law. The final court of appeal for a litigant was the Provincial General Court. Its decisions could be overturned by England’s Privy Council and King; but this ultimate jurisdical step in criminal cases was seldom taken.44

The publication of *Plymouth Court Records, 1686-1859*, edited by David T. Konig, has allowed me to more easily draw conclusions about the role played by the Court of General Sessions of the Peace in dealing with crime in Plymouth County during the Provincial years. William E. Nelson, a scholar well-known for his work in this field, including an extensive “Introductory Essay” to Konig’s magisterial sixteen-volume compilation, offers the following statistical summary of the county’s criminal cases between 1725 and 1774:

Most of the criminal prosecutions … were for morals offenses. Prosecutions for fornication…amounted to 28 percent of all criminal cases, and other sex offenses, including paternity, constituted 4 percent of all cases. Fifteen percent of all prosecutions were for breach of the Sabbath, and another 3 percent were for profane

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speech. The next largest category of prosecutions were those for violent crimes, which accounted for 15 percent of all cases. [That no citizen of Old Bridgewater was among the nineteen persons executed for a crime in the Province between 1691 and 1776 will be welcome news, I’m sure, for law-abiding inhabitants of the present-day town.] Seven percent of all prosecutions were for theft; another 7 percent were for liquor violations; and a final 7 percent were for refusals to serve in office. Miscellaneous offenses also added up to 7 percent of all cases, and the nature of the offense was unspecified in 8 percent of the cases.45

The records of the General Sessions are arranged chronologically and generally indicate the town in which the defendant resided, making it possible to cull from the first three volumes of Konig’s work information about Bridgewater citizens who were prosecuted for a variety of crimes from the 1690’s to 1770’s. Before looking at the part played by the county court in keeping law and order in Bridgewater, which by the middle of the eighteenth century was the most heavily populated community in Plymouth County, several things should be kept in mind. It would have been helpful, for instance, if the particular parish in which the accused lived had been specified. In most cases very few details are given, other than the charge, verdict, and punishment imposed upon the defendant. In some instances, we read nothing more about a case after the initial presentment. Since many misdemeanors and social misdeeds were taken care of by Provincially-appointed JPs and sheriffs, town constables, and local Congregational churches before reaching the General Sessions, a comprehensive study of how law and order was maintained would need to look at the contributions of all these dispensers of criminal justice.

While I make no attempt at a statistical analysis of the frequency and types of crime which occurred in colonial Bridgewater between 1692 and 1774, my perusal of court cases for these years allows me to draw several conclusions. In line with the rest of Plymouth County, sexual misbehavior, as defined by legal codes, religious doctrines, and social mores, account for the largest number of Bridgewater citizens making their way to one of five sessions of the county court held each year in Plymouth, the county’s shire town; keep in mind, however, that the overwhelming number of men and women undoubtedly tried their best to adhere to Puritan moral standards. It might be surprising for citizens of present-day Bridgewater to be told that fornication headed the list of sexual transgressions, indeed of all crimes, throughout the Provincial years. Defined by English Common law as “unlawful sexual intercourse between an unmarried woman and a man, regardless of his marital status,” charges of fornication appear with some regularity on the dockets of the Court of General Sessions.46

Several cases in which Bridgewater citizens were accused of fornication illustrate various moral, legal, and societal aspects of this particular offense. In 1702, the Clerk of the Court of General Sessions issued a warrant to one of the town’s constables for the arrest of a male accused of fornication. Initially

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45 Nelson, Dispute and Conflict Resolution, pp. 23, 47; see page 11, footnote 15, in this essay; Plymouth County Records, edited by Konig; the first three volumes in this latter source cover the years from 1686 to 1781; “People Executed by the Province of Massachusetts Bay, 1691-1776,” Wikipedia, free encyclopedia, http://en.wikipedia.org/wiki/Category%3Appeople_executed_by_the_P…, p. 1.
“making his escape” from the constable, this defendant did appear before the court and, after being found guilty, had to pay the “fine, court fees and charges of prosecution,” a procedure that was generally followed in such cases. Three years later, a man, who subsequently became prominent in church and civic affairs of what became Bridgewater’s South Parish in 1716, and his wife were “convicted by their own confession” of fornication and “ordered to pay 40s. each and charges….” Married in 1704, they may have initially acknowledged their guilt before the congregation of the town’s first parish, now located in West Bridgewater, with the birth of their child in 1705 possibly indicating they had engaged in premarital sex. If so, they were not the only married couple, I might add, who admitted to what at that time was considered a moral transgression, paid their fines, and went on with their lives. That the laws on fornication were often unequally applied to the sexes can be illustrated by a case in 1727 in which a “Singlewoman” of Bridgewater appeared before the court “to answer for having a bastard child….” The defendant “confessed and was ordered to pay either a fine “or be publicly whipped ten stripes….” She opted to pay fees, charges, and a fine of four pounds (Bridgewater was still part of British North America). While it was common for persons found guilty of certain crimes to be offered whipping as their punishment, I’ve seen no evidence of a Bridgewater citizen opting to endure this public ordeal in the 1700’s. Had whipping been the choice, I assume it would have taken place in Plymouth, the shire town of the county. The defendant cited above might have found some consolation when the “Bridgewater Husbandman,” whom she accused of fathering their child, was “ordered to pay maintenance [child support] of “2s. per week….”

Despite a steady erosion of Puritan moral standards, which had made no distinction between crime and sin, the Plymouth Court of General Sessions covering the twenty years or so before the outbreak of the Revolution continued to hear cases of fornication. Based upon the fact of being “begotten with child,” several single women in Bridgewater were found guilty of this moral breach of religious and moral codes, while the name of the contributing male in some instances does not appear in the court records. My research on Bridgewater in the Provincial years lends support to Natalie E. H. Hull’s conclusion in her 1987 work Female Felons: Women and Serious Crime in Colonial Massachusetts that based upon court records women were more likely than men to be charged with fornication. Lawrence M. Friedman, who cites Hull’s findings, credits “the shape of a swollen belly” as one reason women were more susceptible to being charged and found guilty of this transgression.

The above discussion, however scanty, reveals a paradox in how colonial New Englanders, including Bridgewater inhabitants, viewed fornication and perhaps sex in general. Today, their laws to prevent sexual intimacy outside the marriage bed increasingly appear to exemplify “a prudish hostility to sex,” when, in effect, the need for such legislation ironically suggests “that the Puritans themselves [including their eighteenth century descendants] were far from puritanical.” Further, more than one

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historian of American criminal justice would agree with the following interpretation of Samuel Walker:

“Colonial preoccupation with sexual promiscuity arose from practical rather than moralistic concerns. Local officials worried about illegitimate children who would have to be supported by the county.” 49

In addition to cases dealing with fornication, the court records in the Provincial period reveal a small number of other sex-related wrongdoings, some far more egregious than others and some, interestingly enough, rather graphically described. What churchgoers of Bridgewater’s First Parish (now in West Bridgewater) thought about one of their fellow worshippers who in 1700 was fined five pounds by the county court for “wearing womans apparell in the Publick meeting house in time of exercise on the Lords Day” is difficult to say. One would hope, however, the town’s citizens were more upset the following year when another man, aided by an accomplice, was found guilty of “abusive and uncivil behavior” toward a woman “Late of Bridgewater by Thrusting or putting up of a skunk under her Cloaths to her Naked Body And then saying he had Done the office of midwife.” Perhaps there were those who had wished the guilty party had opted to “be publicly whipped 20 stripes” for his offensive actions. In a 1765 case of a different nature, a “Bridgewater Yeoman” was fined “10s” for his lewd and indecent behavior,” with the description in the court records leaving little to the imagination. (Since no town newspaper existed at the time, the guilty party, at least, was spared wider coverage of his more than offensive actions.) The churchgoers in Bridgewater, I suspect, would have applauded the fine of “40s” also imposed on the same defendant “for his irreverent speeches” in which, among others things, he contemptuously declared that “he did not care a turd for God in Heaven or on the Earth.” He was not charged with blasphemy, a crime in colonial times, but one that, according to Friedman, “does not appear very often” in court records. 50

One of the few but more violent sexual crimes apparently occurred in early May of 1753 when an “East-Town [I assume Easton or the Parish of East Bridgewater] Housewright” assaulted a Bridgewater “Spinster and Single woman” in her father’s house. The graphic and rather salacious facts of the case are presented at length in the court record, although, as the defendant pointed out in his presentment, they “were concealed for more than a Year and not Complained of untill after the Said” woman “by her Own Conviction was begotten with the child by the said” man. In any case, the jury found him guilty and the court ordered “him to pay the five pound fine” and “obtain sureties for good behavior,” especially toward the woman who had brought charges against him. Another sexual assault occurred in 1769 when a “Bridgewater Yeoman” was tried and found guilty by the county court not only “with an intent to ravish” a spinster of the same town, but also beating, wounding, and “evilly” treating her. In what appears to be a rare step in such cases, the defendant appealed for a new trial “at the next Superior Court of Judicature Court Assize…. ” (Since my research has not gone beyond this, I don’t

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Colonial Massachusetts, p. 53.


know what action this court took, which, it will be recalled, came to Plymouth usually once a year.\footnote{Plymouth Court Records, 1686-1859, edited by Konig, Volume 3, pp. 57-58, 278; Friedman, Crime and Punishment in American History, pp. 42; Nelson, Dispute and Conflict Resolution, p. 24; the word rape was not used in the two cases cited above; the General Court of Massachusetts Bay had made rape, including statutory rape, a capital offense in the 1640’s.}

One final case deserves mention since it appears to have involved adultery, a crime of sexual unfaithfulness of a married person. No longer a capital offense as it had been in the early years of Massachusetts, this moral transgression in the Provincial period “was still a crime that touched off a punitive attitude.” When a “Bridgewater Husbandman,” was “found in Bed” with another man’s wife in 1759, he found himself appearing before the Court of General Sessions. In this particular case, the defendant was “ordered… to post bond with sureties for his appearance at the next term…and keep the peace in the mean time.” A perusal of the court’s next two sessions suggests the charges went no further, however. Neither do the judicial records give evidence of any Bridgewater adulterer or adulteress suffering the punishment of “humiliation” of “ever after” being required to wear a “capital A …cut out in cloth” and sewn somewhere “upon their upper garments…in open view.”\footnote{Plymouth Court Records, edited by Konig, Volume 3, p. 138; Friedman, Crime and Punishment in American History, pp. 34, 36, 40, 41; http://legal-dictionary.thefreedictionary.com/Fornication; Powers, Crime and Punishment in Early Massachusetts, pp. 187-188.}

Along with the few sexually-related cases involving varying degrees of violence, there were a small number of incidents in which Bridgewater citizens faced the General Sessions of the Peace on other charges of attempting, threatening or actually doing harm to another person. Before citing several instances of such behavior, some observations might be useful in hazarding a guess about the level of predatory crime, including assault and theft, plaguing small New England towns such as Bridgewater during the second half of the colonial period. Compared to later times, including the early twenty-first century, examples of this level of crime were rare and, according to one researcher, overwhelmingly committed by men. Undoubtedly, not all acts of assault by Bridgewater citizens were brought to the county court. Moreover, in some cases no final judgment was rendered. Even those found guilty of assault were not incarcerated for extended periods since imprisonment was not yet a “basic form of punishment….” Jails existed mainly to house debtors, defendants awaiting trial, or criminals soon to be hung for committing a capital crime; as previously mentioned, no Bridgewater resident was put to death in the Provincial period. Though there were no designated jails in colonial Bridgewater, I don’t know if there were places used to house those arrested by a county sheriff or a town constable before being transported to Plymouth. While court proceedings are at times fragmentary, they afford us a fuller and more consistent picture of crimes such as assault and theft in eighteenth century Bridgewater than records kept by its churches or town government. But the most comprehensive picture emerges when we mesh the contributions to law and order made by all three of these formal institutions.\footnote{David A. Jones, “Crime,” The Readers Companion to American History, edited by Foner and Garraty, p. 249; Nelson, Dispute and Conflict Resolution, Chapter 2, pp. 13-44; Walker, Popular Justice, p. 19; Friedman, Crime and...}
General Sessions began to meet regularly in each of the Province’s counties, and 1719, three years after creation of Bridgewater’s South Parish, however, the names of Bridgewater citizens accused of such offenses hardly appear at all. A case in 1702 briefly and cryptically indicated how one man was fined 5s. and court fees for “abusing” another “in the meeting house in time of public exercises on a fast day.” Three years later, in a case almost as briefly recorded, a man, whose name appears more than once in subsequent court proceedings, was found guilty by a jury of “outragious actions and threatening speaches att the house of” another citizen.54

During the thirty years from 1719 to 1749, recorded cases of assault in Bridgewater increased, but hardly enough to disqualify the town as a peaceful one. That several men were defendants in more than one trial certainly reduced the number of citizens accused of threatening the community’s peace and social stability. Relying on descriptions in court records, the level of violence varied in the almost twenty or so incidents of assault reported during these years. In June of 1725, two defendants each paid a fine of 4s., after both were found guilty of breaching the peace by “Striking … Several blows” on each other. Seven years later, a Bridgewater farmer, described as a “Yeoman” in the court records, was accused of “assaulting” another planter by striking him “with a long stick or pole…upon the right arm.” Had the charge been pursued, the defendant, already known for not being an upright citizen, could have faced serious penalties. At the time of the reported incident, the aggrieved party was fulfilling his civic duty as a town constable by serving “three executions,” (I assume arrest warrants) on the man whom he accused of hitting him. In 1737, criminal charges, involving a “Complaint of our Lord the King” (My more erudite readers might remember that George II was King of Great Britain at the time.) was brought against a “Bridgewater Housewright” by two JPs for “assaulting” another town citizen who happened to be “one of the Deputy Sheriffs of Plymouth County.” The accused was found guilty and fined by two Provincially-appointed justices, but indicated his intentions of appealing to the General Sessions of the Peace. When he failed to do so, the county court “affirmed” the “former Sentence” and imposed its own costs and fine.55

Three cases involving considerable more violence were presented to the county court in the late 1730’s. A Bridgewater farmer was found guilty of entering the “Dwelling house” of another town “yeoman” on January 12, 1738, and then proceeding to assault him and his wife, including kicking, abusing, and “grievously” wounding both of them. A subsequent jury appears to have reversed this first decision. The original complainant was now found guilty of holding a “Pistol in his hand” and making “Diverse Menacing and threatening Speaches” against one of the county’s “Deputy Sheriffs” and his aide, the original defendants, as they visited the house in fulfillment of their judicial duties. That officers of the law, whether on the town or provincial level, sometimes faced dangerous situations is also illustrated by a grand jury presentment of September 1739. In this report, a father, cited as a “Gent.,” and

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54 Plymouth Court Records, edited by Konig, Volume I, pp. 264, 280; Census of Massachusetts, 1905, Volume, I, p. 819; Mitchell, p. 58; Davis, History of the Judiciary of Massachusetts, p. 72.
his son of the same first name were accused of assaulting a “Yeoman” on August 25, who happened to be “one of the Constables of the Town of Bridgewater… in the Execution of his office.” Allegedly, the two assailants, attempting to rescue a younger son “of the family out of the officer’s hands,” violently “took hold of and tore” the victim’s “Cloaths and flesh and held a pistol over his head and bid him begone or they would Split his brains out and threatened to Separate his Soul from his body.” Over a year later the two men were found guilty and fined for breaching the peace. Another incident, which occurred on August 24, 1739, and probably related to the one just discussed, also merits mention since it was one of the few assaults in which a Bridgewater woman was accused of taking part. According to a grand jury presentment, she had joined her husband, who was the younger son mentioned above, in committing an assault on a Bridgewater, husbandman, striking and cutting “diverse parts of his body” with “knives,” and, furthermore, threatening him with a “pistoll.” In December, a jury of the Court of General Sessions found the husband guilty, but his wife evidently did not figure in the final verdict.56

From the early 1750’s to the middle of the 1770’s, as Bridgewater, along with other communities of Plymouth County, witnessed England’s victory over France in the long struggle for control of North America and the subsequent events resulting in the American Revolution, cases of assault continued to be tried before the Provincial Court of General Sessions at Plymouth. On “or about” October 2, 1750, in an incident with an all too familiar ring, a Bridgewater “Yeoman” who was then serving as one of town’s constables was attacked when serving a warrant calling on a certain party to appear before “one of his Majesty’s Justices of the Peace.” The man accused of the assault, who was related to one ordered to make the appearance, was found guilty by a jury of the county court and fined for the “breach of peace.” (I might add that we will hear again about the man cited in the warrant.) A jury in the General Sessions of March 1753 found two farmers, one from Bridgewater, the other Halifax, guilty of assaulting a “Gent” from “Plimton” as they “Halled and Carried” him from his “Dwelling House.” I don’t know the reason for this abusive treatment, but trials involving participants from different communities understandably took place in the county court. (The independence of each Congregational church prevented them from holding hearings to resolve certain civil and petty criminal disputes if the parties involved did not come from the same town/church.) On April 28, 1767, after hearing a Bridgewater farmer’s complaint of being beaten, wounded, and “thrown to the ground” by another town farmer, a JP found the assailant “guilty of a breach of peace,” requiring him to pay a fine of 5s., the “costs of prosecution,” and, in addition, “post bond for his good behavior.” When he appealed this finding, a jury of the General Sessions upheld the JP’s sentence. The last significant assault case which involved a Bridgewater citizen during the Provincial years occurred in 1770. On March 28, a Plymouth “Gent” accused a Bridgewater farmer of violently striking him and drawing so “much blood,” that he feared for his life. Two JPs, one of them a well-known citizen of Bridgewater’s South Parish, found the defendant guilty of assault, but not of “uttering two prophane curses…. ”57

56 Plymouth Court Records, 1686-1859, edited by Konig, Volume 2, pp.192, 201, 203, 208.
How many Bridgewater folks closely followed this last incident of assault (or, indeed, any of the others when the town was part of the Province of Massachusetts Bay) I cannot say. But surely many more were aware of the so-called Boston Massacre, a tragic event which had occurred only twenty-three days earlier. There were citizens of the town who undoubtedly kept abreast of the two separate trials which took place in the autumn of 1770 at the Provincial Superior Court in Boston. Some might have been acquainted with Robert Treat Paine, a permanent resident of nearby Taunton since 1761, who, as the senior prosecutor in the case, generally failed to convince the juries that the British soldiers and their commanding officer Captain Thomas Preston were guilty of murder. I suspect at this point few if any inhabitants of Bridgewater saw the trials, along with such controversies over the Writs of Assistance, 1761, the Stamp Act, 1765, and British mercantilist policies in general, pointing to an imminent a break with England. With hindsight, however, we can agree with Lawrence M. Friedman that behind the widening gap between the North American colonies and their mother country “were two sharply differing conceptions of political authority --and of the part that criminal justice was to play in the polity.” Before venturing forth in this direction, however, we need to return to the issue of crime in Bridgewater between, 1692 and 1774.58

During these years Bridgewater citizens were occasionally accused of a variety of theft. Thanks to the need for labor, especially in the early colonial days, and the hope of redeeming those who stole from others, the “death penalty for crimes against property” had been virtually abolished by the 1700’s. Thievery, nonetheless, was still considered a predatory crime since the perpetrator stood to gain by robbing another person’s money or personal property. But compared to later times, colonial courts, including the General Sessions of Plymouth County, were hardly inundated with cases dealing with persons accused of this criminal offence. Rather, many petty incidents of theft were dealt with by provincially-appointed JPs or local Congregational churches. And, as one writer suggests with a modicum of truth, there was a lack of things to steal, especially in some of the poorer communities of colonial America. Remaining mainly an agricultural town throughout the eighteenth century, Bridgewater did not feature some of the elegant appearances found in coastal communities such as Boston and Plymouth or engage extensively in the type of wealth-producing commercial activities for which they had become noted. On the other hand, the inland town of Bridgewater was Plymouth County’s largest community in geographic terms and, according to the 1765 census, its most populated. It also had the distinction of going from third place in 1724 to first place in the 1760’s as a financial contributor to the county’s financial needs.59

Based upon court proceedings alone, Bridgewater appears to have been faced with few crimes of theft during the first half of the eighteenth century. (If church records were more complete, had JPs’

59 Plymouth Court Records, 1686-1859, edited by Konig, Volume 2, p.53; Volume 3, p.136; the records of the General Sessions annually ranked the towns by their contributions to the county’s coffers; Friedman, Crime and Punishment in American History, pp. 6-7, 11; Walker, Popular Justice, 17-18; Nelson, Dispute and Conflict Resolution, pp. 5-7; Chapin, Criminal Justice in Colonial America, 1606-1660, pp. 8-9.
reports survived, and all acts of thievery reported to some authority, a fuller and perhaps less sanguine picture might have emerged.) Only one Bridgewater inhabitant was tried for stealing before a jury of the Court of General Sessions at Plymouth during the first two decades of the century. In September 1705, this citizen was accused by another of stealing “a considerable quantitie of boards” from his “Setauket Sawmill,” which was probably located on the Satucket Pond or River in the eastern part of the original Bridgewater. The defendant was found not guilty after his employer, whose family had first settled in the area before 1667, appeared before the court and convinced the jury of his ownership of the goods in question. In a case tried before the county court in December 1732, the defendant, a “Bridgewater Labourer,” was found not guilty of stealing from a “Bridgewater Yeoman” on May 25 “a certain brindle or brownish colored Cow [worth seven pounds] with a white face,…some white under belly, and branded on both horns with the S. E.” The accused was required, nonetheless, to pay court fees amounting to a little more than the estimated value of the cow. Legal disputes over land ownership usually came before the Court of Common Pleas, which dealt with civil matters, but a case involving the theft of a deed came under the purview of the Court of General Sessions in March 1747. A “Bridgewater Husbandman” was charged with “Feloniously Stealing” a deed to “Certain Lands lying in … Bridgewater,” valued at seven hundred and fifty pounds. Evidently, the defendant was upset when his father had sold the deed to another Bridgewater farmer, claiming it “not acknowledged nor Recorded….” That his father had died by the time of the trial further complicated matters. In any case, the accused was found guilty, and the deed returned to the new owner of the land.60

A unique case of theft was brought before a jury of the General Sessions in December of 1748. On that occasion, a Bridgewater “Minor” and a “Blacksmith,” the two defendants, “pleaded guilty” to “Feloniously Stealing” from a Bridgewater farmer “a Black mare about fourteen hands high and about Nine Years Old,” valued at eighty pounds, “and a Bridle of thirty Shillings…. ” Both the horse and headgear, according to the farmer who had brought charges, were “Entierly lost….” The guilty parties were ordered to “pay the costs of prosecution” and given the option of each paying a fine of five pounds or being “publicly whipped 20 stripes.” These choices of punishment, however, paled compared to the one calling on them to pay “treble damages,” amounting to a little over 244 pounds. Appearing in court, the farmer, while admitting receiving a very small portion of this amount from the two thieves to help cover damages incurred during the robbery, maintained he was still owed 210 pounds, a sum, I suspect, based on a possible decline of earning power anticipated by losing such a valuable mare. Not surprising, neither the blacksmith nor the minor were in a position to finance such a settlement. In a most unusual move, the court then “empowered” the farmer in question “to Sell and dispose of” the two convicted culprits “as Servants for and during the said term of four years to any of his Majesty’s Subjects.” I have no idea if this arrangement was actually enforced. But a close reading of Nahum Mitchell’s Family Register, part of his history of Bridgewater’s early settlement, leads me to speculate that the blacksmith,
who evidently lived in the town’s South Parish, moved to Block Island, Rhode Island, in the late 1740’s.61

With one major exception, discussed below, the few cases of theft involving Bridgewater inhabitants tried in the county court between 1750 and the Massachusetts Government Act of 1774, which aimed at reasserting, among other things, royal control over the Province’s judicial system, were hardly earthshaking. Yet, each of them tells us a bit about life in Bridgewater as it neared its end as a colonial town of the British Empire. Appearing before the Court of General Sessions in March of 1750, two laborers, one from Bridgewater, the other from nearby Stoughton, confessed to stealing from an Abington clothier “about 15 yards of…Blue and White mixed Cloath,” valued at five pounds. I have no idea what they planned to do with the stolen cloth, which in earlier times most likely would have been woven by a fireplace during the cold months of a New England winter. Following a long-established procedure, the two men chose paying a fine, rather than being publicly whipped, and the costs of the prosecution.

Another incident of stealing cloth occurred in the fall of 1768. A Bridgewater farmer admitted taking “a quantity of cloth out” of the “press-mill” of a “Bridgewater Clothier.” Again, the thief found paying a fine preferable to being “whipped ten stripes…..” In what was most likely the last incident of theft in Bridgewater to be tried in the Court of General Session of the Peace during the Provincial period took place in October of 1769. The court records give no information as to what prompted a blacksmith, cordwainer, and two “infants” to “unlawfully, riotously” and ruthlessly break into a certain dwelling house in Bridgewater on July 21. They managed to carry away one feather bed, one bolster [along narrow cushion], two pillows, “one bed-stead and bed cord,” one large iron kettle, five chairs, one table, two pewter dishes, and two pewter plates, all the “proper goods and chattels” of the house’s owner and, I suspect, what was minimally needed to set up housekeeping somewhere else.62

While all the court theft cases cited above were of interest to some Bridgewater folks, it would have been unimaginable if any of them by the early1760’s had not heard something about the criminal record of Benanuel Leach. Part of an important and extended family with roots in Bridgewater dating back to its founding days, he was born in 1718 as the seventh or eighth of the fourteen children of Benjamin Leach and his wife Hephzibah (nee Washburn). I know nothing about Benanuel’s younger years, except that he married three times, his last wife being Mehitabel, the daughter of Benjamin Allen of Bridgewater’s East Parish. Leach’s name first appeared in the court’s session of December 1750. On that occasion, one of his older brothers was fined for striking a Bridgewater constable on October 2 as he served a warrant to Benanuel ordering him to appear before “one of his Majesty’s Justices of the Peace.” The court record of this case, which might be a shortened version, reveals nothing about the younger Leach’s behavior which prompted the summons to appear before the JP. In the following ten years, however, he traveled more than once to Plymouth to answer criminal charges, including assault and fornication, before the Court of Common Sessions. Indeed, this court in October 1760, after weighing

and Resolution, pp. 22-23.
62 Plymouth Court Records, 1686-1859, edited by Konig, Volume 3, pp. 12, 272, 283; Mitchell, p. 165;
“Massachusetts Government Act, May 20, 1774;” the website for this last source is cited in footnote 40 of this essay.
the evidence, judged Leach to be the “Reputed Father of the child” born to a “Singlewoman” of Bridgewater on October 5, 1759.”

But it was Leach’s acts of thievery that soon made his name well-known throughout Plymouth County. According to Nelson’s study on dispute and conflict resolution in Plymouth County, Leach, who was in his early forties by 1760, was among a dozen or so men in the county who appeared in eight or more civil cases in their lives. Also indicative of “their lack of amenability to community controls” were their indictments “on criminal charges in the Superior Court and Court of General Sessions of the Peace.” Continuing his narrative, this scholar writes “…Benanuel Leach of Bridgewater…was the county’s most prosecuted thief; the apparent organizer of a sheep-stealing ring that operated in Bridgewater and in neighboring towns, he was indicted on nine separate charges.” The Court of General Sessions at Plymouth in January of 1760 was dominated by six of these indictments. Rather than pleading not guilty as he had done in the previous October when the presentments were first placed before the court, Leach was granted the right to retract this plea and indicated “he would not content with the King but submitt to his grace.”

The court records described these cases pretty much in the same manner, with, of course, some statistical variations. Other than mentioning that Leach worked “together with Caleb Washburn,” no one else is cited as a member of the “ring.” Of the six men who had six to thirty-four of their sheep stolen, five were farmers, four from Bridgewater (parishes are not cited), and one from nearby Raynham. The sixth accuser was a Taunton cordwainer (shoemaker). In each instance, Leach returned the sheep and agreed to pay the costs of prosecution and fines, rather than submit himself to being “publicly whipped seven stripes.” He was able to satisfy two of the claimants “for their respective Damages,” but did not have the “wherewithal” to do so for the other four. To compensate them, the court ordered that after Leach paid “the cost taxed against him” and “his prison fees” (I don’t know how much time he spent in Plymouth’s “gaol” awaiting his trial, but was discharged on February 15, 1760), he was to be “set over as a servant” to these remaining claimants “for the term of Twenty five years….” Any financial benefits accruing from this arrangement were to be divided among them “and their heirs.” Perhaps reflecting a Puritan society’s faith in redemption, the court also empowered these claimants to “improve the said Benanuel” as he fulfilled his obligations. There is nothing in the historical record, as far as I know, documenting whether the four farmers recouped their losses.

63 Plymouth Court Records, 1686-1859, edited by Konig, Volume 3, pp. 21, 23, 57, 132, 134, 137, 141, 149, 161; Mitchell, pp. 93, 239, 241, 339; Mitchell’s work says nothing about crime in Bridgewater, but his painstaking Family Register has been extremely helpful to me in making family connections between many inhabitants of colonial Bridgewater.

64 Nelson, Dispute and Conflict Resolution, pp. 55-56; Plymouth Court Records, 1686-1859, edited by Konig, Volume 3, pp. 134, 137; Barck and Lefler, Colonial America, p. 333; I am indebted to this last source for its succinct paragraph on sheep raising in colonial America (see the following page); these authors point out that New England farmers “had sufficient flocks, averaging about twenty to provide enough wool for local use,” in addition to furnishing meat for local populations.

65 Plymouth Court Records, 1686-1859, edited by Konig, Volume 3, pp. 136-138, 141; at this point in my research I know little about the raising of sheep in Plymouth Colony and County and if their value lay in meat and/or wool; my readers might wish to read pages 146-147 in Langdon’s history of Plymouth colony; I found it interesting that he has
Sheep were imported into the colonies by early English, Dutch, and Swedish colonists. They furnished not only meat but, what was more important, wool for clothing. Because of primitive conditions and lack of supervision, many sheep fell victims to predatory wolves and other wild animals, to disease, and to inadequate forage. Despite these obstacles, their number increased; by the opening of the eighteenth century, New England farmers had sufficient flocks, averaging about twenty, to provide enough wool for local use. The areas near Boston and Narragansett Bay were the major centers of sheep-raising. The other colonial sections lagged behind, with the possible exception of Hempstead Heath on Long Island, where there was competition with New England in the commercial market.

Little attention was paid during the colonial period to improving the breeds. The average sheep had a small fleece, which furnished coarse and curly wool. Yet such native wool was excellent for the sturdy homespun garments which the colonists needed in a frontier community."

Barck and Lefler, *Colonial America*, p. 333.
My knowledge of Leach’s behavior following his trial is limited. As part of Bridgewater’s share in England’s efforts to defeat the French in the final phase of the great struggle for control of eastern North America, he and his son, Benanuel Jr., enlisted in Capt. Josiah Dunbar’s company in 1761; it is possible they took part in some military actions before the Treaty of Paris formally recognized England’s victory. That the elder Leach had not completely mended his ways soon became apparent, however. In April of 1762, a complaint against him for stealing “a certain Sorrel Horse” was brought before the Court of General Sessions, a charge evidently serious enough to place him in the Plymouth jail as he awaited the adjudication of the case. For reasons not clear to me, he was then given the opportunity to appear before the justices of the Superior Court when they made their annual visit to Plymouth. If he agreed in advance to “pay and satisfy” the claimant “all such sums of money” as decided by this court, the matter would be ended. To avoid being returned to jail in the meantime, he was ordered to “post bond with two sureties for his personal appearance at the next Court.” Unable initially to meet this requirement, “he was remanded [returned] to goal.” Later in the same General Session, however, this “recognizance” (obligation) was “dismissed,” allowing Leach his freedom as he awaited the Superior Court’s determination of the damages he was to pay.  

Sexual transgressions, especially fornication, and the felonious crimes of assault and theft were not the only offenses which brought errant Bridgewater citizens to the Plymouth Court of Sessions during the Provincial era. Accusations of religious or church-related wrongdoings also account for at least a small number of townspeople making their way to the county’s shire town. Attendance at Sunday church services, while mainly “enforced” by individual churches, was a legal requirement dating back to 1638 in Plymouth and to 1646 in Massachusetts Bay. It continued to be so in the Provincial period, but the number of cases before the county court involving Bridgewater inhabitants failing to attend church only numbered around six or seven. I’m not sure why so few citizens were summoned to appear before the court while many others who missed church were not. It could be some in the latter group missed legal condemnation by appearing before a church congregation to admit the error of their ways and promising to do better in the future. For the most part, court records present only a minimum of information about the cases of delinquent churchgoers. One relatively young man, whose father had served as one of the early constables in Bridgewater and had been licensed “to keep ordinary, or tavern” in 1670, appeared before the Plymouth Court of General Sessions in March of 1700 “for not frequenting the publick worship of God.” Since the town only had one meetinghouse at this time, which had replaced the original one in 1674, it must have been the congregation of the First Parish Church, now located in West Bridgewater, that had missed seeing him at Sunday services. This legal matter was ended with the defendant admitting guilt and “paying fees.” Hopefully, he was soon seen by his neighbors at the meetinghouse on the

Taunton, Bridgewater’s nearby neighbor, as having 800 sheep toward the end of the seventeenth century; Hanna’s history of Taunton says nothing about this topic.

66 Crane, p. 798; Plymouth Court Records, edited by Konig, Volume 3, pp. 166-167; I find it puzzling that Mitchell’s Family Register does not cite Benanuel Leach Jr.; my perusal of the General Session records after 1762 finds no further references to the elder Benanuel Leach.
Sabbath.\textsuperscript{67}

In several cases reaching the county court in the following seventy years, proceedings were mostly limited to presentments with little or no punitive action taken. Speaking for his wife at the General Sessions in March 1723, a Bridgewater man maintained the “absence from worship” was caused by “her being often troubled with Convulsions fits etc;” the case was continued to the June term. Two presentments made in the 1730’s simply noted the names of six men who had been absent from worship for at least one month. The court record of March 3, 1747, is a bit more revealing about a Bridgewater citizen, who incidentally could trace his background to one of the town’s original Proprietors and early settlers, called to Plymouth to answer the charge of “unnecessarily absenting himself from the publick worship of God…” Appealing “to the Court he was part of the time Sick and some of the time in the Business of Coleing” [evidently a process of extracting a lubricating oil from various plants of the mustard family] he was “dismissed” after “paying Fees.” The last proceedings in the Plymouth Court of General Sessions in the Provincial years dealing with Bridgewater inhabitants and Sunday morning worship took place in October of 1773; for my readers wishing to place this in some historical context, this was about two months before Boston, the Provincial capital, had a “Tea Party.” This case began in the July term of that year when two Bridgewater “minors” were cited for “unnecessarily working and labouring on the thirteenth of June last, being the Lord’s day.” I don’t how and why this incident was called to the attention of the Court of Common Sessions. But it “directed …the King’s Attorney…. To enter a Noli prosequi [’a legal action denoting that the prosecutor or plaintiff will” take no further action]; the County Treasurer was told to pay the costs of more than three pounds for the court proceedings.\textsuperscript{68}

Other forms of misbehavior, in particular unacceptable utterances, were frowned upon by the vast majority of Bridgewater citizens, most of whom attended one of the town’s five Congregational churches. Most misdemeanors of behavior and speech were dealt with by individual church congregations, but on a small number of occasions were presented to the Court of General Sessions at Plymouth. Shortly after the Provincial court system was fully operational, a Bridgewater man appeared before the county court in 1700 to answer charges of “wearing womans apparell in the Publick meeting house in time of exercise on the Lord’s Day.” His dress (the court records offer no details) must have been considered outlandish enough to cost him the maximum fine of five pounds and other court charges; if the court had seen “fit,” the guilty party might have been subject to “corporal punishment.” Perhaps some parishioners of Bridgewater’s First Parish were more incensed two years earlier when a member of one of the town’s earliest families was summoned to Plymouth for “Reviling the minister [Reverend James Keith, who had begun his ministry in the original Bridgewater in 1664] and speaking slightly of the ordenance of Baptism.” Despite the defendant’s denial of the accusations, the jury found “him Guilty of


the first part of the charge…;” no penalties were imposed at this time, but he “became bound to appear at
the next term with sureties.”

While not considered the serious offense it had been in the early colonial period, charges of
“profane” swearing or cursing by Bridgewater men were reported to the county court on a small number
of occasions in the last four decades or so of the Provincial period. In December of 1729, a laborer was
found guilty of “Profane Swearing,” with his fine of five shillings, for some reason, to be used to aid the
poor of the nearby town of Kingston. Two years later another inhabitant of the town was accused of the
same misdemeanor; his case, however, appears to have been dropped. Two laborers appeared before the
court in September 1733 to answer charges of “prophaning the Sabbath,” on June 4, “at the meeting house
of the second, or south, precinct of Bridgewater [present-day Bridgewater].” I don’t know how profane
their language was, but supposedly they “did Whisper and Laff: and divert themselves” during the
“Divine Service.” Reverend John Shaw, who was at the beginning of a sixty-year pastorate at the church,
could not have been too happy with such disruptive behavior. A more descriptive presentment on the
docket of the May 1735 session of the court charged a Bridgewater farmer with “vilely uttering and
saying at the house” of a Plymouth Innholder ‘the Devil take the officers and damn the officers.’” Again,
no action was taken against the alleged offender. As mentioned earlier in this essay, in what was the last
episode of criminal assault in Bridgewater during the Provincial years, first reported to a JP in March of
1770 and then presented to the Plymouth Court of General Sessions in October, the defendant, a
Bridgewater farmer, was alleged to have uttered twice in great anger a profane curse, still considered
taboo by many Christian in our own time. While found guilty of the felonious crime of assault, he “was
acquitted as to the other part of the complaint.”

As had been the case in the 1600’s, drunkenness remained the most “most common colonial
misdemeanor” in New England during the 1700’s, before and after the War of American Independence.
Most folks in Bridgewater, with their English background and Puritan-Pilgrim heritage, surely approved
the warning given by Reverend James Keith at the dedicatory service of the Congregational meetinghouse
built in 1717 as a house of worship for those dwelling in the newly created South Parish (present-day
Bridgewater). In his sermon, he “particularly” spoke out against “intemperance, the excessive and
prodigious expence upon strong drink, above all, that of Rum….” Over indulgence in the use of
“spiritous liquors” was not only unacceptable religiously and socially, but also economically to small
colonial communities that could not tolerate drunks who were unable to work. Yet the intense
movements toward temperance and, then, prohibition were not to emerge until the nineteenth and
twentieth centuries. Those sitting in the new hard wooden pews listening to Keith’s exhortation against
the “horrible abuse of Rum” would also have agreed with the following two ideas expressed by Increase
Mather, the influential Puritan minister of the Second Church of Boston from 1664 to his death in 1723:

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774-775; Powers, Crime and Punishment in Early Massachusetts 1620-1692, p. 188.
70 Plymouth Court Records, 1686-1859, edited by Konig, Volume 2, pp. 102, 123, 141, 154, Volume 3, pp. 293-294;
“The wine is from God, but the Drunkard is from the Devil.” Interestingly enough, Mather, and his son Cotton, also a well-known Congregational minister, were good friends of Keith, and, indeed, wrote the preface of his 1717 sermon.71

Joined by town governments and local Congregational churches, the Provincial government, in particular the Courts of the General Sessions of the Peace, played a role in trying to ensure that alcoholic consumption was kept to socially acceptable levels. While the eighteenth century witnessed growing tension between the colonial authorities in Boston, especially the royally-appointed governors, and the local communities on a number of political, imperial, and economic issues, there was a consensus that moderation in the imbibing of “spirits” was the best policy to follow. By 1670, when Bridgewater decided to allow John Howard to open the town’s first tavern, the licensing process for selling alcoholic beverages in any community was not completed until formal approval was given by the colonial government, whether it be that of the Plymouth Colony, the Dominion of New England, or, after 1692, the Province of Massachusetts. In the case of the latter, this was usually done in each county at one of the four terms of the Court of General Sessions. Michael Zuckerman, in line with his main thesis in Peaceable Kingdoms, which places the center of political power in the Province’s towns rather than in the colonial government in Boston, argues that “tavern proprietors were installed …only upon the prior approbation and recommendation of the town or the town’s selectmen.” I am not able to attest to the pro forma nature of the court’s approval of Bridgewater citizens seeking liquor licenses, but it is obvious from the records that their numbers increased as the aggregate population of the town’s five parishes increased to almost 4,000 by 1764. In the previous year, seventeen Bridgewater citizens, twelve inn holders and five retailers, were included in the county court’s “List of Persons Licensed to Sell Spiritous Liquors,” compared to three inn holders and one retailer in 1736. Howard was one Bridgewater family name which invariably appeared on these lists throughout the Provincial era.72

The number of Bridgewater citizens licensed to sell liquor far outnumbered those who were called to the county court to face charges of drunkenness or, in some cases, abetment of this odious behavior. Following the practice in other Massachusetts communities, most cases of errant Bridgewater inhabitants who deviated from acceptable norms in the matter of drinking were dealt with by churches, town constables, and county JPs and sheriffs. On a small number of occasions, however, citizens accused of liquor violations were called to appear before the Court of General Sessions. In September 1719, two men, one from Bridgewater, the other Plymouth, were both found guilty and fined for liquor offenses, the first for drunkenness, the second for abetting this transgression by allowing it to occur in his

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house. Had both men lived in the same town and attended the same church, the matter might have been taken care of locally and never have reached the county court. The shire town, however, benefited by having both fines used to aid its poor. Thirteen years later, a descendant of an original proprietor of Bridgewater submitted the matter of his drunkenness “to the court, which ordered him to pay 5s. fine to the use of the poor [hopefully those of Bridgewater] and 19s. Fee.” Among the presentations to the General Sessions of July 1763 was the case of two Bridgewater citizens whose ancestor had served as a town constable in 1664 and six years later been “licensed to keep an ordinary, or tavern,” in what is now West Bridgewater. I suspect this earlier inhabitant of the town would have been chagrined had he any inkling that a century later two scions of his were to be accused of “selling strong drink without licence.”

Before discussing the part played by towns, particularly the constables, in maintaining law and order, it might be instructive to look at their role in jury selection for criminal cases referred to the Court of the General Sessions of the Peace and the Superior Court, since it reveals something about the jurisdictional rivalry within the Province. Following the procedure used before 1692, town meetings, including Bridgewater’s, elected Grand and Petit jurors for each court. By the mid-1700’s, however, the General Court in Boston, apprehensive of town choices being sympathetic to a particular town litigant, changed the selection procedures. The town meetings would now choose jurors by drawing names “by lot from previously compiled lists of town residents eligible for jury duty.” Nonetheless, as Nelson argues in his study on dispute and conflict resolution in Plymouth County, the town meetings essentially maintained their control of jury-selection. This was done by first creating from a list of eligible jurors a shorter list of men most “Suitable” for jury service and then taking a vote. Many men in eighteenth century Bridgewater probably would have preferred avoiding this tedious and time-consuming civic duty, requiring, especially in the winter sessions of the courts, what could be an unpleasant and even dangerous trip to Plymouth.

Joining JPs, sheriffs, and the courts as part of the criminal justice system in the Provincial period were constables; in 1656, John Cary, as noted earlier, was Bridgewater’s first citizen to hold this position. Responsible for much of the day-to-day work of enforcing the law, these officers were chosen at the town meetings and by law expected to fulfill this civic duty. They were the key figures in what has been labeled the “pre-police American constabulary,” which, while having roots in medieval England, differed from the mother country’s approach to law and order in an important way. From the start, constables in colonial America (as local police departments would later be) were an integral part of the local government and, unlike these officials in the mother country, were not part of a “nationally administered force.” This is not to say, however, that the constables in Bridgewater were not answerable to the laws.

courts and officials, including sheriffs and JPs, of the Provincial government.\textsuperscript{75}

With the growth and spread of the town’s population and the establishment of four additional parishes (or precincts) between 1716 and 1743, it was natural to see an increase in the number of constables. Between 1656 and 1699, all of Bridgewater, despite its large geographic area, was included in one so-called “constablerick.” This changed in 1699 when it was voted to create two such areas, with the Town River helping to serve as a south-north boundary. (It was also agreed at the same time “to choose town officers annually on the first Monday in March, beginning at 10 o’clock….”) Four years later, another constable was chosen to serve the part of Bridgewater on the “easterly side of the Matfield and Satucket rivers….“ While colonial Bridgewater remained a politically intact town during the Provincial period, with its annual meetings still held in the original and western part of its extensive territory, the practice of choosing constables to serve in a particular parish or precinct emerged, with, I suspect, these smaller entities having a say in the selective process. The town meeting notes of March 3, 1739, for example, clearly show this coupling of a constable with the parish in which he lived and for which he was responsible. (Three related matters worth noting: the northern part of Bridgewater became a separate parish/precinct on January 3, 1738, rather than an incorporated town for which some settlers had petitioned; Titicut, “the south-west part of the south parish,” and “a part of Middleborough” became a separate parish in 1743; and the town voted in 1757 to have five selectmen, one from each parish.)\textsuperscript{76}

While Mitchell’s 1840 and Crane’s 1884 histories of Bridgewater include a considerable number of lists of citizens who served the town in a particular public capacity, the position of constable is not among them. By going through the hand-written records of the annual town meetings, many of which are copies made by Mitchell, it would be possible, but not particularly productive for my study, to construct a list of considerable length of the citizens who answered that call of duty by performing the sometimes thankless task of keeping peace and order in the community. Nonetheless, a list of constables for the years 1758 to 1888, found in a compilation of historical records of the First Parish Church in present-day Bridgewater, is worth noting. It illustrates the practice of assigning constables by parish or precinct and also the strong ties which existed between town government and parish churches on matters of maintaining domestic tranquility and social conformity. On the other hand, individual parishes, originally established to accommodate religious and educational needs of the town’s growing and dispersing population, became even more distinct and separate as they sought to keep peace and justice within their own geographic areas. Among the men who performed their civic duty by serving the South Parish as constables in the waning years of the Provincial period were: 1758-Josiah Washburn, Benjamin Keith; 1759- Nehemiah Leach, Josiah Hayward, Timothy Perkins; 1764-John Fobes, Robert Latham;

\textsuperscript{75} Monkkonen, “Police Forces,” The Reader’s Companion to American History, edited by Foner and Garraty, p. 848; see pages 7-8 in this essay.

Lack of primary sources makes it difficult to describe and evaluate the role of Bridgewater’s constables in maintaining domestic peace and order during the Provincial years; much of what they did simply was not recorded. They, nonetheless, “represented the formal police power of the town,” despite not constituting a “uniformed police patrol in the modern sense.” The position was not a full-time or paid one, but those chosen at the town meeting were expected to serve for the coming year, receiving fees for particular services rendered. They could arrest violators of the law and “in principle,” according to Zuckerman, “imprison a man and levy distress upon his property…and employ a number of less drastic penalties.” (Bridgewater had no prison, and I don’t know if it joined other Massachusetts towns in having “stocks placed near the meetinghouse[s] to deter the disturbers of the peace on the Sabbath, and other public days…”)

Constables were also charged with delivering warrants, including those from county judicial authorities, in particular JPs, calling for arrest of an individual. As noted earlier, this particular task could at times put their safety in jeopardy.

Like constables in other Massachusetts communities, those in Bridgewater not only served arrest warrants, but performed a variety of tasks, some of which were only tangentially related to the criminal justice system. They posted warrants in a particular parish or precinct for town meetings. At times they were given the job of collecting assessed taxes and “in turn were ordered to turn pounds, shillings and pence over to the [town] treasurer.” At a meeting of Bridgewater’s South Parish or Precinct on November 9, 1759, for example, Constable Timothy Perkins was assigned the task of collecting from the parishioners “a sum of money for building” a new “Meeting House” for the “said precinct.” Part of a large and extended family, with roots in the southern part of Bridgewater going back before 1688, Perkins most likely understood the role played by parish churches in promoting shared religious and social values still deemed important in the middle of the 1700’s for maintaining a law-abiding community. Less enviable then collecting money for such a righteous cause was “inspecting taverns for drunks and questioning suspected vagrants on the street.” With Bridgewater constables managing their own farms or, in a few cases, small commercial or manufacturing enterprises, they could hardly spare the time to pursue all petty offenses. According to Samuel Walker, this consideration and the general lack of legal training and thorough knowledge of the law, hardly equipped most constables during the eighteenth century in always applying criminal justice fairly and equitably. This scholar, however, also asserts: “As long as villages remained small and homogeneous, [which was true of Bridgewater’s five parishes] informal social controls operated effectively and made a large law enforcement establishment

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unnecessary.”

Expected to join other town officials, particularly the selectmen, and ministers and elders of parish churches in promoting acceptable social and religious standards through “moral surveillance,” constables were ordered “to inspect families.” Of special concern during the late colonial period was how to prevent the “profaning” of the Sabbath by those town inhabitants who failed to attend Sunday morning church services. Given the other tasks assigned to them and the geographic size and increasing population of Bridgewater’s five parishes, it was more than difficult for constables to enforce this religious and legal requirement. With the South and Titicut Parishes having a combined population of 1,318 in 1764, for instance, constables John Fobes and Robert Latham, both scions of early Bridgewater settlers, would have faced a daunting task had they attempted to keep tabs on all the individual and families who lived in what was a sizable portion of Old Bridgewater. Fortunately for them and other constables throughout the Province, a law had been passed in 1677 by the General Court of Massachusetts Bay Colony requiring each town to appoint so-called tithingmen (one for each neighborhood of ten families), whose responsibility by the beginning of the Provincial period was to report any activity that violated the Sabbath. Zuckerman’s study on New England towns notes “the division of labor between the constables and these truer overseers of intimate affairs” by quoting the following from historian Herbert B. Adams: “The Tithingman’s power came nearer home than did that of the Constable; it reached over the threshold of every family in the hamlet; it was patriarchal, fatherly, neighborly, in the strictest sense.”

One wonders what John Hayward, who was chosen at Bridgewater’s town meeting on March 8, 1779, as a tithingman for the South Parish and undoubtedly knew that his ancestor Thomas Hayward had been appointed as one of the first Justices of the Peace at the start of the Provincial period, would have thought about this job description written a century later.

One practice of local town governments, including Bridgewater’s, in which constables played a central role was a procedure known as “warning out.” Dating to the 1600’s, when many towns in Massachusetts had been incorporated, the early settlers agreed on two things: any newcomers had to seek permission for moving into the community and if later “deemed undesirable could be warned and if necessary, lawfully ejected….” Under Provincial statutes until 1767, a person “gained settlement” by staying in a town “for twelve consecutive months without being warned by the selectmen to depart.” On a general and practical level, warnings were issued to newcomers who were in danger of not being able to

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79 The First Parish, Bridgewater, Massachusetts, compiled by Mann and Bates, pp. 12, 28; Mitchell, pp. 277-278; Crane, pp. 775-776; Walker, Popular Justice, p. 26; see page 2 in my essay on Bridgewater’s churches through 1910; Zuckerman, Peaceable Kingdoms, pp. 158-160.

support themselves and thus becoming financial burdens on the community. In other words, to some historians, “warning out was a purely pro forma device to evade local support of paupers in the provincial period.” Zuckerman, on the other hand, while not denying economic considerations, argues: “Warning out provided substantial security to the towns that control of settlement rested upon communal, not individual, initiative.”

Whatever the reason, Bridgewater’s selectmen, in line with the practice in other communities, continued until after the Revolution to authorize the eviction of some of the more recent town inhabitants. The job of delivering the warnings was assigned to constables, who were “paid for the bodily removal of undesirables from the towns.” Dated November 25, 1789, a typical warrant of “warning out,” was signed and delivered by Jonathan Keith, a constable for the precinct of North Bridgewater and a member of an extended family tracing its lineage back to Reverend James Keith, the minister of the town’s First Parish. Addressed to a “Joiner,” it read in part: “By virtue of a warrant from the selectmen of the town of Bridgewater, you are requested to depart the limits of the said town within fifteen days….” The reasons for this “request” and others might have been more fully known and spelled out (and available to future historians!) had they been discussed at “town meeting[s] as actual business.”

While the records of some towns are “studded” with information concerning those warned to leave the community, available local sources in Bridgewater provided me with very little information, owing in part to their illegibility. Far more productive was my perusal of the Plymouth Court Records, 1686-1859, in particular those of the General Sessions of the Peace. This is not surprising since the Provincial courts were often called on to deal with and note issues, including “warning out” matters, which sometimes involved citizens of two or more towns in the county. In 1698, for instance, a brief, and admittedly not very clear, report from Constable Edward Hobbs of Bridgewater appeared in the records of the General Sessions. He indicated “that by warrant from Brantree [Braintree] selectmen… Samuel Gurney [I assume at the time still a citizen of Bridgewater] “an inhabitant of the Town of Brantree now being at the house of Goodman Bayley Intending to Reside there, [was told] to depart the town of Brantree, 1 March 1698.” Much more extensive court records were the periodic summaries of the warning warrants delivered by town constables, including those of Bridgewater.

With one of the largest populations in Plymouth County by the middle of the eighteenth century, Bridgewater issued its fair share of “warning out” warrants. Citizens who had been providing living accommodations for those ordered to leave were told in the same documents to cease doing so. A date for departure was set, but the towns were in no position to order or even suggest where the unwanted inhabitants were to go; former communities in which they had resided, however, were frequently mentioned in the records. It would have been more informative had those receiving warnings generally

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been identified with one of Bridgewater’s five parishes and simply not listed under the rubric “Warrants to warn persons from Bridgewater.” While court records named the constable delivering the warrants, they seldom provide information on the circumstances prompting the selectmen to issue them.\(^{84}\)

Extrapolated information from a compilation of warnings between 1728 and 1737 lends credence to economic considerations, specifically that inhabitants unable to support themselves could put a strain on the town’s financial resources. (The concept of a political unit larger than a local community supporting paupers did not materialize until the Commonwealth of Massachusetts decided to establish three almshouses in 1852, including one in present-day Bridgewater.) Among those asked to leave Bridgewater during this nine year period were entire families, single men, and widowed and unmarried women who lacked the ability or were not given the opportunity to support themselves. Well before domestics of Irish background helped make this ethnic group the second largest part of Bridgewater’s population in the second half of the nineteenth century, an “Irish Maide or Single Woman,” who came from the [nearby] Town of Halifax was told on June 23, 1735, “to depart.” No reason was given for this warning, but at this juncture it hardly represented the type of anti-Catholic-immigrant fervor that would sweep Massachusetts in the 1850’s. Equally unknown is why a year earlier “a Negro or Molatto Man and his Family” were told to leave. Unlike some of the communities in the southern and middle colonies, the population in Bridgewater and other small towns of Massachusetts remained overwhelmingly Protestant-English-Yankee during the Provincial years. One last warrant deserves mentioning not only because it suggests unacceptable behavior as the reason leading to expulsion, but includes an historical nugget which raises this researcher’s curiosity. In a warrant delivered by Constable John Conant, selectmen Josiah Edson, Ephriam Fobes and Recompense Cary warned “a resident in our town at the schoole house near the Meeting house in the South Parrish” to depart on August 23, 1753. “The man is an out Landish man,” the selectmen go on to say, and “hath not been Town’d in any Town as We have been informed.”\(^{85}\)

Whether fees paid to Bridgewater constables, including those received for removing unwanted inhabitants from the community, were sufficiently lucrative to adequately compensate them for the time and income loss when not caring for their farms or businesses is questionable. Even the satisfaction of doing their civic duty was limited by several considerations. Constables, and thus the town governments which they represented, were often thwarted in their attempts to enforce the law. Only the Provincial courts and JPs, as William Nelson clearly states, “had jurisdiction to fine or otherwise punish and hence ultimately coerce people who broke the law.” None of this is to imply that towns like Bridgewater were hotbeds of crime in the eight decades or so before the Revolution. Indeed there was little predatory crime


\(^{85}\) Plymouth Court Records, 1686-1859, edited by Konig, Volume 2, pp. 181-183, Volume 3, p.15; Edwin F. Kingsley, Jr. and Charles Gaughan, “The State Almshouse,” HH, p.151; the Bridgewater State Almshouse was officially “declared open” on May 1, 1854, by Governor Emory Washburn, who, it will be recalled, delivered the main address on the occasion of the two-hundredth anniversary of Bridgewater’s incorporation as a town in Plymouth.
compared to our own time. Law and order was to be maintained not by a formal or structured police force but through a shared communal consensus on what constituted a “Peaceable Kingdom[es],” to borrow Zuckerman’s words. Constables most likely agreed with this idealistic approach, but it did not always help them in dealing with individuals whose actions were not within the realm of community norms. I cannot quote from the writings of any Bridgewater constable, but suspect many of them would have empathized with a Braintree diarist who in the early Provincial years expressed relief at having “narrowly escaped” appointment or with another citizen toward the end of the colonial period who confessed to being “very wroth” about his appointment as a town surveyor, until he was “pacified easily” on hearing “that his friends had nominated him to that office so as to spare him a stint as constable....” What can be documented from the records of Bridgewater town meetings was the common practice of how a man chosen to be constable could avoid taking office by having another citizen, who might not be as qualified, agree to be “chosen in his room [place].” It was rare in many communities, including Plymouth, the county’s shire town, to end the year with no changes “in the initially elected slate of constables....” In some instances, Bridgewater citizens who refused to serve as constables found themselves being fined by the Court of General Sessions. Most of them likely found this a better financial choice than doing the work of law enforcement.86

The five Congregational churches of Old Bridgewater in the provincial period collectively constituted the third institution which played a part in ensuring law and order in the community and, perhaps more important, in promoting social harmony based upon accepted norms of individual and communal behavior. For fifty years or so, all the inhabitants of Old Bridgewater had worshipped in the Congregational meetinghouse in the original and western part of the town. This proved impractical with the growth and spread of the population and necessitated the establishment of four additional parishes or precincts between 1716 and 1743. While the town remained politically united, the individual parish churches jealously guarded their independence, a practice re-enforced after 1691 when no synod of Congregational churches in Massachusetts assembled “to call local churches to account or provide Presbyterian direction.” By ordaining “that forever hereafter there shall be a liberty of conscience allowed in the worship of God to all Christians (except papists) inhabiting” the province, the Charter of 1691, in the words of one historian, did break the “iron grip of the Puritan oligarchy on the colony.” But the influence of the Congregational churches in all communities throughout the provincial years, nevertheless, was a significant factor in curbing and controlling human behavior and activities, including some deemed criminal, others religiously and socially unacceptable to the vast majority of churchgoers.

(A full ecclesiastical history of Old Bridgewater during the Provincial period would need to discuss the establishment of two additional churches: a Baptist one in Titicut, January, 1756, the other, 86

Colony,

VIEW OF THE
OLD CHURCH AND TOWN-HOUSE,
near the centre of
ANCIENT BRIDGEWATER.

Built in 1731, this was the third meeting house in what is now West Bridgewater.
Celebration of the Two-Hundreth Anniversary of the Incorporation of Bridgewater, 1856.
There were both similarities and differences in the way Congregational churches and the provincial-county courts dealt with criminal activities and threats to social order. Both institutions passed judgment on individuals who were charged with moral offenses, especially fornication, non-compliance with Sabbath requirements, drunkenness, and, on the civil side, breaches of promise “in accordance with similar normative standards,” which, despite some erosion of the Puritan-Pilgrim heritage, continued from earliest days of New England communities. That those who sat on juries in Plymouth or attended church proceedings in a particular town overwhelmingly represented the English-Yankee-Congregational nature of the population re-enforced the probability of decisions in line with established social and religious norms. Civil magistrates and ecclesiastical leaders, who often presided over similar cases of transgression, also shared the same societal outlook as they heard evidence, passed judgment, and decided on punishment.

While there existed a broad consensus among colonial New Englanders concerning unacceptable social behavior and criminal actions, there were fundamental differences in the methods employed by the churches and courts as they confronted challenges to the religious and civil establishments. Contrast, for instance, the settings in which cases were heard. When Bridgewater citizens were found guilty of a crime by a Justice of the Peace, they could appeal to the appropriate court in Plymouth and be granted a trial by jury. In what was “an essentially random process,” these juries consisted of citizens drawn from various towns in the county. On the other hand, church members accused of wrongdoing, particularly if the transgression was considered more religious and/or social than criminal, sometimes found it to their advantage to appear before an ecclesiastical hearing, usually held before the entire church membership during a Sunday morning communion service. Since each Congregational church was “a separate and independent entity,” such hearings dealt with only erring members of a particular church; sometimes the courts were asked to decide on criminal and civil cases involving members of more than one church.

Perhaps the most important difference between court and church proceedings had to do with how to promote a law-abiding and God-fearing community. The courts had the responsibility of upholding the laws of the Province, including criminal ones, and making sure offenders were prosecuted and punished. Church proceedings were more informal, with the hope that errant members would see the error of their ways and begin the process of repentance, leading them back to the good graces of the religious community. For those members who failed to confess their misdeeds and start the process of redemption, a congregation might use the “ultimate sanction of excommunication.”

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87 “Charter of the Province of the Massachusetts Bay,” found in Davis, History of the Judiciary Massachusetts, Appendix A, p. 385; Mitchell, p. 50; Crane, pp. 781, 783; Zuckerman, Peaceable Kingdoms, pp. 15,17; Nelson, Dispute and Conflict Resolution, p.123; see page five in my essay on churches in Bridgewater through 1910.


89 Nelson, Dispute and Conflict Resolution, pp. 26-44; much of the above paragraph was based on Nelson’s analysis of the Congregational churches’ role in maintaining law, order, and social harmony; Walker, Popular Justice, pp. 18-19; Zuckerman, Peaceable Kingdoms, pp. 111-112.
Gaining a better sense of the part played by five Congregational churches of Old Bridgewater in controlling the religious and social behavior of their parishioners and in promoting an orderly and peaceful society is somewhat hampered by the paucity, inconsistency, and, in some cases, non-availability of historical records. Evidently, so-called Church Books, which contain information on ecclesiastical hearings to resolve social and religious misbehavior, are readily available for only two of the parishes. One of them was the Fourth Church, whose first meetinghouse was built in 1737 in what officially became the North Parish of Bridgewater (the future Brockton) on January 3, 1738. For over sixty years this church was served by Rev. John Porter, a native of nearby Abington and graduate of Harvard. Its Church Book contains some nineteen cases of fornication in the years before start of the War of Independence. All of the entries, according to Nelson, “took the form of the first one.” After identifying the guilty parties, it was reported they had “made a public acknowledgment for ye Sin of fornication,” meaning a child had been born less than nine months after the couple had married. The Records of the Church of Christ in the Joining Borders of Bridgewater and Middleboro are also accessible. This Congregational church, whose meetinghouse served the inhabitants of Titicut Parish, was established in 1743. It also was blessed with longevity in its leadership. The pastorate of its first and Harvard-trained minister, Rev. Solomon Reed, lasted until well after the Provincial period. That sexual impropriety and moral misconduct were still very much unacceptable to folks in eighteenth-century Bridgewater can be illustrated by a case brought before the Titicut congregation. In this particular instance, a man “was punished [I don’t know what form this took] for the sin of entertaining a spirit of carnality.” Another case in the same church illustrates the ultimate form of punishment that could be used when a transgressor failed to admit to an offense. After one woman refused “to acknowledge her Sin nor so much as manifest a desire of returning to God & this people,” she was excommunicated.90

Doing research on the ecclesiastical hearings held in Bridgewater churches in the East and West Parishes during the second half of the colonial period would prove problematic. Two years before the East Parish (precinct) of Bridgewater was incorporated on December 14, 1723, the building of a meetinghouse had begun and was ready for the ordination of this Congregational church’s first minister, John Angier, on October 28, 1724. His pastorate lasted for almost the next sixty-three years. Citing a work done by Harold F. Worthley concerning the records of Congregational churches in Massachusetts between 1620 and 1805, Nelson concludes: “Records for the East Parish... appear to be incomplete.” One wonders what they might have told us about the transgressions of its early members, numbering only thirty-three at the start, that are not revealed in the proceedings of the Court of General Sessions. The records of the First Church in the West Parish, the first area settled in what became known as the Old Bridgewater and where town meetings were held until the early 1820’s, when four of the parishes became

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90 Mitchell, pp. 48-50; Kingman, “North Bridgewater, and Brockton,” Bridgewater Book, pp.16-17; Nelson, Dispute and Conflict Resolution, pp. 27-28, 41, 47, 160, 165,167; since I have not researched the archives of the five parish churches in provincial Bridgewater, I have relied mainly on Nelson’s book to clarify which of their Church Books are available and for examples of church hearings held by the Titicut and North Bridgewater parishes.
separate towns, were evidently lost. Lamenting this, Crane in his 1884 History of Bridgewater, wrote: “It is much regretted that the early records of the first church have been lost, and much that would have been treasured in the history of the first parish remains only in tradition;” I admit not knowing the specific years covered by the word “early.”

Gaining access to the Church Book of the First Church in Bridgewater’s South Parish appears not to have been a priority for early writers, while a difficult quest for some later researchers. Both Mitchell and Crane devoted space to this parish church during the pre-Revolutionary years, especially to its pastor Rev. John Shaw, “a native of the east parish of Bridgewater” and a 1729 graduate of Harvard, who died on April 29, 1791 “in the 60th of his ministry.” But neither of these town historians commented on the role played by the First Parish Church in monitoring the religious and social behavior of church members. Mitchell did praise the sermon given by Rev. Keith at the dedication of the South Parish’s new meetinghouse for containing “some pertinent and impressive remarks on the subject of intemperance even at that early period.” Over a century after the publication of Mitchell’s history, Emil Oberholzer, Jr. probed the matter of church discipline in Delinquent Saints: Disciplinary Action in Early Congregational Churches of Massachusetts. In a bibliographic note, he wrote: “The First Congregational Society of Bridgewater felt it would be unwise to make their records available, and their minister dreaded the adverse publicity which might arise from a study of disciplinary action taken against ancestors of persons now living in the town.” To celebrate the 200th anniversary of America’s independence and “to tell the story of the First Parish Unitarian Church of Bridgewater as found” in its “records” and supplementary sources, Dorothy L. Mann and Anne H. Bates wrote, compiled and edited an admirable volume which is a treasure trove of primary source material. No mention of a Church Book, however, is to be found in the text, a list of documents covering the years 1715-1791, or the volume’s index.

Fortunately for my research on Bridgewater’s South Parish, I had access to some historical notes of Joshua E. Crane, Jr., librarian, teacher, and historian, given to the town’s public library in 1976 by his daughter Clara W. Crane. Included in carefully kept small notebooks, entitled Church Records of the South Precinct, are some short and partly verbatim accounts of church hearings dealing with parish members accused of a particular transgression. In most instances, the cases centered around violations of religious standards and church requirements, intemperance, or sexual transgression; as indicated earlier, the Provincial county courts also dealt, on occasion, with these matters. At a church meeting on May 25, 1753, (held in the 1741 enlargement of the 1717 meetinghouse, the present site of the First Parish, Unitarian Church on School Street), it was voted to suspend and admonish a man (and his son) for


neglecting “publick worship …and his refusal to appear before ye church when repeatedly called to it.” After explaining his actions, he was “restored to ye churches charity upon all he offered to ye church for satisfaction, respecting his breach of peace.” Twenty years later, a parishioner, who could trace his ancestry back to “an original proprietor and one of earliest settlers in Bridgewater,” was accused of departing “from the communion and fellowship of this church…,” without giving “sufficient reasons….”

This case, which was heard before the congregation in its newly erected second meetinghouse, lasted between August 1761 and June 1762. When the erring member refused to admit his guilt and, thereby, start the process of reconciliation with the church, his fellow parishioners voted by a show of hands to suspend and admonish him. Two deacons were chosen to inform him of the church’s decision, and on June 6, 1762, the offender was “publicly admonished.”

In the last decade of Bridgewater’s political status as a town in the Province of Massachusetts and the world-wide British Empire, the Congregational church of South Parish continued occasionally to pass judgment on members (some of whom had well-known surnames) deemed guilty of social and religious offenses. Following a standard and familiar procedure, a couple on August 11, 1765, was accepted back into the good graces of the church following their “confession for the sin of fornication.” On September 21, 1768, the congregation was not as forgiving of a parishioner who made a confession “for the sin of intemperance.” Since he had fallen “into this sin again and again,” the church suspended him “from participation in special ordinances.” Hopeful for his redemption, fellow worshippers decided “if his future conduct evidenced the sincerity of this repentance,” he would be allowed “in due time” to fully take part in religious worship. Following the “lecture” on Sunday morning July 8, 1772, “the church was desired to stay” to pass judgment on another member who admitted once again of “being overcome with strong drink.” Taking into consideration his previous “publick confession of …intemperance…the church voted to suspend him from communion for the present.” On September 1, 1773, in a case of a different nature, a man confessed rather profusely of breaking “the third commandment by profane swearing” and asked for “God’s forgiveness” and that of his “Christian Brethren.” After he promised “by the help of grace to be more upon my watch for time to come,” the “church then voted” his confession “was sufficient as to the offence specified.”

About a year after this errant member of the South Parish vowed to behave better in the future, all citizens of Bridgewater had to face the possibility of the American colonies severing political ties with England and, thus, ceasing to be part of the world’s largest and greatest empire. In the spring of 1774, following a decade of wrangling between the mother country and her offspring, the British parliament passed the Coercive Acts, which were soon labeled “intolerable” by the colonials. Particularly foreboding to Bridgewater folk was the Massachusetts Government Act of May 24 which, by amending the charter of 1692, aimed to augment the power of the royal governor in matters of law and order at the expense of the

93 “Notes of Joshua E. Crane, Jr.,” Church Records of the South Precinct of Bridgewater,” Vol. I, PT. 2, May 25, 1753, Aug. 5, 1761; Mitchell, pp. 34, 130-131, 244-246; Crane, p.775; “Crane, Joshua Eddy, Jr.,1850 to 1931---Librarian, teacher, historian,” HH, p. 261.  
94 “Notes of Joshua E. Crane, Jr.,” Church Records of the South Precinct of Bridgewater,” Vol. II, PT. 2, Aug. 19,
elected General Court and town governments. Samuel Eliot Morison later averred: “These two laws [the other being the Quartering Act], if enforced, would have sewed up Massachusetts for the king….”

During the first 120 years of its corporate life, whether as a town in the Plymouth Colony, Dominion of New England, or Province of Massachusetts Bay, Bridgewater owed ultimate political allegiance to England. Its population continued to be predominantly English and Protestant, with almost all of its citizens associated with one of five Congregational churches. Thanks in good measure to its homogeneous population, Bridgewater was generally “peaceable” during the eighty years or so before the revolution. This did not eliminate, however, the need for communal efforts to deal with citizens who challenged accepted religious and social norms or, in some case, committed acts legally determined to be criminal. Provincial officials and courts, town constables and selectmen, and local Congregational churches all contributed in different ways to the maintenance of peace and order. But incomplete records and the need for better statistical techniques have contributed to our inadequacies in comparing and contrasting their relative contributions to maintaining peace and order in the communities of the Province of Massachusetts in the years between 1692 and 1774.95

Josiah Edson and the Coming
of the American Revolution

Of equal import to most American colonials, including citizens of Bridgewater, by the 1770’s was determining a future in which they would no longer be Englishmen or Englishwomen. While inheriting and modifying many elements of the mother country’s criminal justice system, the coming of the War of Independence would further the process of fashioning an American approach to law and order. There is no attempt in this essay to summarize the town’s role in the American Revolution. A thorough discussion of this important phase of Bridgewater’s past has yet to be told, but accounts in Crane’s 1884 History of Bridgewater and the one by Thomas P. Moran and the “Highlights” staff in the 1976 History Highlights: Bridgewater, Massachusetts, edited by Katherine M. Doherty, contain much worthwhile information, making them good places to start for those interested in this subject. Rather, I have chosen to explore the poignant story of Col. Josiah Edson, who earned the dubious distinction of being Bridgewater’s most well-known Loyalist for refusing to forswear his lifelong allegiance to the British crown. Three considerations prompted my decision: his involvement in issues of order and order from the 1740’s to 1774; his steadfast loyalty to Britain between 1765 and 1774, despite growing American opposition to Parliamentary attempts to reassert control over the colonies; the difficult issue of determining when adherence to an unpopular political stand can be considered a political crime, such as treason.96

1765, Sept. 21, 1768, July 8, 1772, Aug. 28, Sept. 1, 1773.
95 “Massachusetts Government Act, May 20, 1774,” see website in footnote 40 of this essay; Morison, The Oxford History of the American People, p. 206.
96 Crane, pp. 799-802; Thomas P. Moran and The “Highlights” Staff, “Bridgewater in War,” HH, pp. 127-132; Crane
Edson’s emergence as one of Bridgewater’s leading citizens during the four decades before the unsettling events of the early 1770’s is hardly surprising, given his family background. His great grandfather was Samuel Edson (1612-1692), one of the first settlers of the original town, owner of its first mill, a Deacon of the First Parish Church in what is now West Bridgewater, and one of Bridgewater’s Representatives to the General Court of Plymouth Colony. Samuel’s son Josiah (1651-1734), who “built a large house on the way to Scotland,” the southwest section of present-day Bridgewater, was known as “old Justice Edson” and was considered “the most important man in this part of the town, owning much land and doing much business.” Having no children by his marriage to Elizabeth, “probably the daughter of Nathaniel Hayward,” the first Josiah of the Bridgewater Edson family decided in 1704 to bestow before his death most of his large estate on his brother Joseph’s son, Josiah. Nephew Josiah, in turn, agreed to “maintain” his uncle and wife during their lifetime. In that same year, the second Josiah (1682-1762), who became known as Captain Edson, married Sarah D. Packard. The couple lived in a house, no longer extant, located on a site off Pleasant Street at the intersection of Swift and Birch Streets in present-day Bridgewater; most likely the land on which the dwelling was erected was given to them by Uncle Josiah. Captain Edson and his wife Sarah had seven children, including a son named Josiah (the subject of this section of my essay). Both parents were original members of the South Parish’s First Church, and, among other positions, the Captain took his turn at being Deacon. Following in the footsteps of his Uncle Josiah, he was also active in civic affairs, serving as a town selectmen for thirty years and representing Bridgewater for several terms in the Provincial General Court. In the 1730’s he was “engaged in the manufacture of hollow-ware at South Brook, near the…margin of Carver’s Pond….” Living a long life, he would have seen his son Josiah become an important citizen of Bridgewater, in particular its South Parish. (Getting ahead of our story, had Captain Josiah lived another eleven years, he would have been devastated at the news of his son Josiah’s departure from Bridgewater’s South Parish to secure the protection of the British Army in Boston.)

writes: “The early records of the town but faintly outline the sacrifices, sufferings, and privations incident to the war of the Revolution; “Among the soldiers of Bridgewater,” he continues, “probably none rendered more efficient service than Capt. Abram Washburn, who was detailed in the quartermaster’s department.” Mitchell, pp. 35-36, 153-157; Crane, pp. 778, 784; “Extracted from William Latham, Epitaphs in Old Bridgewater, Massachusetts, transcribed by Coralyn Brown (Bridgewater, Mass., 1882), http://dunhamwilcoxox.net/ma/bridgewater_cem1.htm; this latter source has Elizabeth Edson dying in 1737; Darius Cushman, “Col. Josiah Edson: Brief Sketch of the Life of Bridgewater’s Tory Exile,” BI, Feb. 6, 1892; Cushman’s essay, based upon material found in his father’s papers, was particularly helpful to me; BI, Aug. 19, 1898, Dec. 9, 1904; Bridgewater Book, p.19; “Edson,” New England Families: Genealogical and Memorial, compiled under the Editorial Supervision of William Richard Cutter, A. M. (New York: Lewis Historical Publishing Company, 1913),Vol. I, pp. 259-260; “Edson, Josiah (Col.) 1709 to 1778--Agriculturist, soldier;” HH, p. 262; John A. Schutz, Legislators of the Massachusetts General Court, 1691-1780; A Biographical Dictionary (Boston: Northeastern University Press, 1997), p. 213; The First Parish Unitarian Church, Bridgewater, Massachusetts,” compiled by Mann and Bates, p. 8; “Accepted Streets,” Town of Bridgewater, pp. 2, 11, 13; there is disagreement among several writers as to the family connections between the three Josiah Edsons discussed in the paragraph above; I trust my close reading of Mitchell’s genealogical account is accurate; in 1779, what became known as the old Pratt Tavern was built on a site near Captain Edson’s house; this tavern was dismantled in the late summer of 1898 and was replaced by a booster station in 1904 to provide usable electricity to power the trolleys between Bridgewater and Taunton; this brick building can still be seen on Route 104; see pages 76-78 in my essay on transportation in Bridgewater through 1910; anyone interested in the history of the Edson family might wish to consult the extensive research of Carroll Edson, much of which is cited on numerous websites.
Born seven years before the establishment of the South Parish in 1716, Captain’s Edson’s son Josiah, following in the footsteps of earlier members of the family, remained until 1774 a faithful and productive citizen of Old Bridgewater, the Province of Massachusetts Bay, and the British Empire. Until the age of eight, Josiah undoubtedly attended the Congregational church in the original and western part of Bridgewater with his parents. As a lad he may have been permitted to join them on the late spring morning of June 14, 1717, as they made their way to the dedicatory service of the small wooden meetinghouse, built on what is now School Street, to accommodate the growing population of Bridgewater’s second parish/precinct. If he had, what would he have thought at his young age of Reverend Keith’s sermon, which, among things, warned against the evils of intemperance? Would he have known of the efforts of church and civic leaders to combat what was considered a ubiquitous religious and social transgression? While I know little about Josiah’s boyhood, including his early education, the outline of his adult life began to take shape by the time he was in his twenties.98

In 1730, he graduated from Harvard College, giving him the distinction, according to Mitchell and Crane, of being the first citizen of Bridgewater’s South Parish to receive “a collegiate education.” Generally credited with possessing “strong natural abilities and extensive literary acquirements,” Edson, nonetheless, was mainly engaged in “agricultural pursuits,” made possible by extensive family landholdings. In 1732, he purchased an “unassuming two story wooden” farmhouse in which Reverend Benjamin Allen, a Yale graduate and the first pastor of the Congregational church, resided between 1717 and 1730. Erected around 1700 by Joseph Leonard on what would become the western side of Bridgewater’s Central Square in the nineteenth century, it served as Edson’s residence until that fateful day in the autumn of 1774 when, unable to support the revolutionary cause, he rode horseback to Boston, where he sought the protection of the British army. At that time, other than his dwelling (now known as the Tory House), his small store, situated where the drive-in service of the Bridgewater Saving Bank now stands, and the Congregational meetinghouse, only a few other buildings occupied what was to become present-day Bridgewater’s center. Married three times, Edson had four children by his first wife, nee Ruth Bailey, including a son named Josiah, all of whom were young when their mother passed away in 1743. The next fifteen years or so must have been very busy ones for Edson. In 1747, he became a member of the Honourable Artillery Company of Massachusetts. His family responsibilities increased by having two more children by his second wife, nee Mary Parker; after her death he married Abigail Dean in 1755. More germane to our historical account of law and order in Bridgewater, Edson in his thirties began to be increasingly involved in the affairs of his town, parish church, and province, with those of the latter particularly related to various levels of criminal justice.99

98 James Keith, “A Sermon Preached at a New Assembly of Christians at Bridgewater,” p. 16; this sermon was retyped and reprinted by the Old Bridgewater Historical Society.
The Tory House
History Highlights, p. 159.
Several years before being elected in 1746 to the General Court of the Province of Massachusetts, Edson was chosen Old Bridgewater’s town clerk, the only resident of the South Parish to hold this position. At the time he agreed to take on this civic responsibility, town meetings were still being held in the original western part of Bridgewater at the third meetinghouse, erected in 1731 on the site where the second one had stood. His trips there to conduct official business might have on occasion been marred by the perils of late winter storms in March. On the other hand, this initial involvement in civic affairs allowed the younger Josiah many opportunities to talk about family and town matters with his father Captain Edson. The Captain remained active in town affairs until his death in 1762, including stints as moderator of town meetings and the more important post of selectman. Since father and son resided only a few miles apart in the South Parish, they might have even accompanied each other part way as they rode horseback over the unpaved roads to what officially became the West Parish/Precinct of Bridgewater when its North Parish/Precinct (now the City of Brockton) was established in 1738. Perhaps in a nostalgic vein they reminisced about their much revered uncle/granduncle, “old Justice Edson,” and his wife Elizabeth, who had both passed away in middle 1730’s.100

Whether or not they journeyed together, there were undoubtedly many occasions on which the new town clerk, who was still in his early thirties, sought advice about his duties from his father, who was born the year after John Cary, Bridgewater first town clerk, had passed away. While no job description was written and handed to Edson, it is probably fair to say the town clerk was involved in or at least familiar with every aspect of town government, including the maintenance of law and order. In 1739 and 1740, two years in which he was chosen to serve in this capacity, Edson would have had dealings with selectmen, constables, and tithingmen, especially those dealing with the South Parish/Precinct, all of whom strove to keep Bridgewater a law-abiding community still dedicated to the ethical and religious standards inherited from their seventeenth century Puritan/Separatist forebears. Clerks, I suspect, played a facilitating role in making sure that at least on the practical and administrative level town officials concerned with law and order cooperated with Provincial county courts and officials, including JPs and sheriffs. Edson also served as a selectmen between 1754 and 1756. (A fuller account of Edson’s town positions might offer a good preparation for understanding his role in the criminal justice system of the

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Province of Massachusetts in the more than two decades before the Revolution.\textsuperscript{101}

Equally important, if not more so, in shaping Edson’s thinking about individual and communal behavior was his life-long association with Congregational churches, first in Bridgewater’s original western settlement and then in the town’s South Parish created in 1716. By the time of his birth, the First Parish Church in what is now West Bridgewater could trace its history back almost sixty years. The third Josiah spent only his early years attending this parish’s second meetinghouse built in the early 1670’s, “where the Soldiers’ Monument now stands” in that town’s center. But even as a young boy, he most likely became aware of the civic and religious commitment of family members, especially that of his father and granduncle, and of the aging Reverend Keith, the pastor of the church since 1664. I know little about Edson’s life between 1717 and 1732, but can surmise that in addition to being influenced by his parents’ dedication to the South Parish’s First Church, he also came to know Reverend Allen, not imagining that one day he would inhabit this pastor’s house. I can only speculate why Edson, unlike many young men of his day, chose not to enter the ministry after attending Harvard College, which for almost a century had trained its graduates in Puritan theology, allowing them to serve Congregational churches throughout Massachusetts.\textsuperscript{102}

Nonetheless, several years after graduating from America’s first college, Edson began what would prove to be a thirty-eight-year commitment to the well-being of the First Parish Congregational Church in Old Bridgewater’s South Parish. Building upon modest membership growth during Reverend Allen’s pastorate, the size of the congregation increased greatly under his successor, Harvard-trained Reverend John Shaw. During the first twenty years of his ministry, for instance, 258 names were added to the church’s membership roll; this increase would have been greater had not some parishioners in the southern part of the parish begun attending a new meetinghouse built for the newly formed Titicut Parish in the 1740’s. As Edson planned his wedding in 1736 and was in the initial throes of managing “a very large landed estate in the town, requiring more than three mile of fence on the road to enclose it,” he took on the added responsibility of serving as clerk of the “South Precinct, South Parish…,” later to be known as the “First Congregational Society in Bridgewater.” Elected annually for the next thirty years, his position not only required him to keep Parish records and call meetings to order, it also involved him in many of the issues facing the church in the middle years of the eighteenth century, including decisions to enlarge the original meetinghouse in 1741 and, then, to erect a new one in 1760. Easier than riding horseback to town meetings, Edson most likely enjoyed the short walk in all seasons from his residence to the church, where for forty years or so he listened to Reverend Shaw exhort his flock to live righteous and law-abiding lives. Other parish meetings and gatherings during the week were also occasionally on Edson’s agenda. Some of his contributions to the second meetinghouse were quite tangible, including the purchase of one of the more expensive pews in 1759-1760 and the procurement of a “curtain for the

\textsuperscript{101} Schutz, Legislators of the Massachusetts General Court, 1691-1780, p. 213.

57
This early drawing depicts the second South Parish Meeting House in 1800. The original meetinghouse was dedicated in 1717. This building, built in 1760, was modified over the years before being taken down in 1845. According to the epitaphs of Old Bridgewater, the cemetery did not have engraved stone markers until sometime well after its establishment in the early 1700s. The site later housed the Unitarian church.

David R. Moore, Images of America: Bridgewater, p. 23.
pulpit” in 1766. In a contribution of a different nature, Edson, joined by Joshua Alden, served as a liner or tuner, a position which required the reading of “Ye Psalms” to prepare the congregation for singing the same Biblical verse. (This is not the last we shall hear of this contribution to Sunday worship.)

While it is easy to list Edson’s church activities, it is difficult to evaluate his role in the First Church’s efforts to do its part in keeping the South Parish not only a law abiding community, but also one committed to the maintenance of established social and religious standards. A late nineteenth century commentator averred: “No man [Josiah Edson] was more highly esteemed and honored by the town antecedent to the revolutionary troubles....” Given his important standing in the community, one may assume any comments Edson might have made at church hearings called to judge the behavior of a particular parish member would have been listened to with great care. While I cannot document this, he might have made remarks on December 20, 1751, that helped sway those in attendance to support as “reasonable and just,” considering “all circumstances,” the refusal of his father Captain Edson, at the time a Deacon, to grant a request of his “negro man,” Tom, “to marry a certain negro free woman....” The outcome of the vote, however, was probably a foregone conclusion. Following a long established tradition of ministers and elders prejudging a case before it was presented to a congregation, Reverend Shaw had supported Deacon Edson’s decision from the start. The younger Edson also followed in his father’s shoe steps by taking on the responsibilities of a church deacon between 1768 and 1774. Interestingly enough, however, works of Mitchell and Mann and Bates appear to make no mention of this, while Crane’s account, hedging a bit, suggests that “upon the decease of Capt. Edson, in 1763,” his son Josiah “probably assisted” Jacob Hayward in his duties as Deacon.

In addition to his active role in the civic life of Old Bridgewater and its South Precinct and contributions to the well-being of the Congregational church, located a short walk from the house he purchased in 1732, Edson became increasingly involved in Provincial affairs. Between 1746 and 1754, the annual town meetings, which continued to be held in the West Parish, elected him six times to represent Bridgewater in the General Court at Boston. An extended biographical study might reveal more clearly Edson’s political positions as a deputy in the House of Representatives. He undoubtedly supported the mother country as it continued to struggle with France over which of them would be victorious in the fight for control of eastern North America. Where he stood on the continuous power

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104 “Church Meeting, Dec. 20, 1751,” Crane’s notes from the _Church Records of the South Precinct of Bridgewater_, Vol. I, PT 2; The First Parish Unitarian Church Bridgewater, Massachusetts, compiled by Mann and Bates, p. 81; this latter source does list Captain Edson as one of the deacons of the First Church in the South Parish: Mitchell, pp. 45-47; Crane, p.778; Schutz, _Legislators of the Massachusetts General Court, 1691-1780_, p. 213; Cushman, “Josiah Edson,” _BH_, Feb. 6, 1892.
struggle between the elected House, a body “dominated by anti-establishment deputies from rural towns,” and the royal governor and his council of twenty-eight members, in effect the upper house of the General Court, who represented and symbolized royal sovereignty over the Province of Massachusetts Bay needs to be explored. It would be interesting to know what Edson’s reaction would have been to a letter sent in 1758 (he was not in the General Court this year) by the Lords of Trade to Governor Thomas Pownall lamenting the “political, judicial, or military” power the House of Representatives exerted without the required “concurrence of the Council and the governor.” While the Treaty of Paris of 1763 sealed England’s victory in the long imperial struggle with its arch rival France, it also marked the beginning of twenty years of dramatic changes in the relationship between the American colonies and their mother country, resulting in another Treaty of Paris ensuring American independence and, not incidentally, the breakup of what has been labeled the First British Empire. It needs to remembered, however, few, if any, in the American colonial population of 1,610,000 in 1760 or Bridgewater’s population of almost 4,000 in 1765 entertained the thought of severing political ties with England.105

Along with managing extensive agricultural lands and a small store, attending sessions of the General Court, playing a leading role in his parish church, and raising a family, Edson’s appointment as one of his “Majesty’s” Justices of the Peace, a few years after first being elected to the General Court, made for a busy life in his early forties. His role as one of Plymouth County’s law enforcers, a position he would hold until July 1774, might be considered his greatest contribution to the well-being of the Province of Massachusetts Bay. Among the earliest records of acting in this capacity was his signature on a 1749 church document, found in the archives of the South Parish’s Congregational church. While we can rightly assume Edson adjudicated “minor civil actions and petty criminal offenses cases,” the lack of records for Plymouth County’s JP’s in the eighteenth century prevent us from knowing how much time Edson devoted to this aspect of the Province’s judicial system. One aspect of his work as a JP is clear, however. When Courts of General Sessions of the Peace were created for each of the Province’s counties in the 1690’s, it was decided that the presiding justices would be drawn from the list of the county’s JPs, with at least three required at each session. Edson’s name as one of those asked to serve at the Plymouth court, which at the time could only be reached from Bridgewater by horseback, seems to have been first mentioned in 1750 and 1751. Court entries include a few facts about an individual case, including what punishment would be imposed if the verdict were guilty, but almost nothing about the input of a particular justice. There appears to have been a hiatus in Edson’s service as a representative to the General Court and a justice of the Court of General Sessions during the middle of the decade. The deaths

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105 Mitchell, p. 36; Crane, p. 811; Census of Massachusetts, 1905, Vol. I, p. 819; Dalton, Wirkkala, and Thomas, Leading the Way, pp. 37-40; “List of colonial governors of Massachusetts,” see page eight of the web site cited in footnote 43 on page 28 of this essay; at some point I would find it interesting to compare the political and judicial careers of Edson and Thomas Hutchinson, who served as Speaker of the House of Representatives from 1746 to 1749 and went on to serve as a member of the Governor’s Council, a justice of the Court of Common Pleas, Chief Justice of the Massachusetts Supreme Judicial Court, and the Province’s Lieutenant Governor and Governor; both men remained loyal to England and both went into exile in 1774; my readers might wish to consult Bernard Bailyn’s 1974 work, The Ordeal of Thomas Hutchinson; Anthony M. Sammarco, “The Governors of Milton: Thomas Hutchinson (1711-1780),” The Milton Historical Society, http://www.miltonhistoricalsociety.org/sammarco.html;
of his mother Sarah, two teenage children, Caleb and Ruth, and second wife Mary during this period might have figured in what appears to have been a temporary interruption in his public life. 106

Edson’s commitment to the judicial life of the Province appears to have resumed in October 1759, when his name once more was listed among the JPs asked to serve at the Plymouth Court of General Sessions. The court records also tell us that between 1761 and 1770 he occasionally was called upon to perform marriages, reminding us that the seventeenth-century practice in New England of treating marriage as a civil contract was still very much alive. Colonel Edson’s return to the county court came at an auspicious time for the inhabitants of Massachusetts, including those in Bridgewater. A month earlier they had rejoiced on hearing that British troops, under the command Brig. Gen. James Wolfe, had defeated a French force of 4,500, led by Louis Joseph, Marquis de Montcalm, on the Plains of Abraham, “a plateau about” the City of Quebec. This victory re-enforced Colonel Edson’s “most exalted opinion of the discipline and courage of the British army and of the skill of its officers …,” a consideration that would contribute to his skepticism of “revolutionary” activities in the early 1770’s. With the signing of the Treaty of Paris in 1763, the overwhelming number of American colonials looked forward to a prosperous future under the aegis of the world-wide British Empire. For fifteen years, Justice Edson made his way numerous times to the shire town of Plymouth to perform his judicial duties. His name last appeared in the court records of the General Sessions of July 1774. “This entry is the last usage of the regnal year for a term” of this Provincial court and “contains the last reference to the authority of the Crown.” 107

Unlike Edson’s judicial contributions to the Province, his legislative activities representing Bridgewater in the General Court did not resume until 1766. By then, the initial colonial euphoria following England’s victory over the long-feared and detested France had dissipated. Saddled with a great war debt, Great Britain had rightly asserted that her wealth and military prowess had prevented France’s domination of eastern North America. To the mother country, it seemed only reasonable to have her colonies share in the financial costs of administrating at least the American part of what had become an even larger world empire, thanks to the Treaty of Paris. Had Edson sat in the House of Representatives between 1761 and 1766, he would have witnessed and perhaps taken part in the early legislative debates prompted by England’s desire to tighten her financial control of her American colonies. The first important challenge to British policy occurred in the Province of Massachusetts. In 1761, James Otis, a Harvard graduate and lawyer, resigned his post as the king’s advocate general of the vice-admiralty court at Boston when the acting royal governor Thomas Hutchison authorized the issuing of general search

warrants, known as writs of assistance. While many considered these general orders necessary in wartime to prevent treacherous acts of trading with the enemy, Otis, arguing before the Province’s “Superior Court of Judicature in the Council chamber of the Old State House” in Boston, averred the 1761 writs were “against the Constitution,” since they permitted custom officers to enter warehouses and even private homes in search of smuggled goods “without evidence of special court orders.” (Keep in mind that Otis was referring to the “so-called Constitution of England” which James Bryce in 1888 aptly pointed out “consists largely of customs, precedents, traditions, understandings, often vague and always flexible.”) Citizens of Bridgewater, one of Massachusetts’s largest towns in population and geographic size, opposed these general writs, but, I suspect, not with the same intensity found in Boston and other maritime communities. Edson’s ten-year struggle, however, to balance his deep-rooted loyalty to the Province of Massachusetts Bay with his belief that its inhabitants should be accorded their rights as Englishmen began with Otis’s objections to the general writs of assistance.\footnote{Mitchell, p. 36; Crane, p. 811; Cushman, “Colonel Josiah Edson,” RI, Feb. 6, 1892; Benjamin W. LaBaree, “Otis, James,” Encyclopedia of American Biography, edited by Garraty and Steinert, pp. 830-831; Dalton, Wirkkala, and Thomas, Leading the Way, pp. 30-40; “List of colonial governors of Massachusetts,” see page 8 of the web site cited in footnote 43 on page 28 of this essay; Bryce, The American Commonwealth, Vol. I, p. 30; Schutz, Legislators of the Massachusetts General Court, 1691-1780, p. 300.}

The debate concerning the political, economic and constitutional nature of the relationship between England and her colonies did not end with the furor over the writs of assistance. Indeed, Parliament’s enactments of the Sugar Act (also known as the American Revenue Act), 1764, and the Stamp Act, 1765, and the subsequent colonial opposition only intensified what appears from hindsight to have been an inexorable drift toward American independence. Bridgewater citizens, including Daniel Howard, a highly respected resident of the North Parish who at the time represented the town in the General Court, surely joined in the cry “No Taxation without Representation,” when the Sugar Act imposed tariffs on many goods, including sugar, coffee and wines, imported directly into the colonies. It was one thing for England to regulate the commerce of the empire, but in the view of American colonials only their elected representatives could tax them directly. Perhaps some of the Bridgewater’s politically-minded citizens, including Colonel Edson, read Otis’s pamphlet, The Rights of the British Colonies Asserted and Proved. Written in response to the Sugar Act, the leader in the fight against the writs of assistance boldly declared that man must be “free from all taxes but what he consents to in person, or by his representatives.” As a former Bridgewater’s deputy to the General Court, Edson undoubtedly agreed with this political principle and on a more pragmatic level most likely shared Lieutenant Governor Hutchinson’s fear that the Sugar Act would harm the Massachusetts’s economy. One wonders also if Edson had qualms about the act’s provision requiring violators of this law to be brought before British naval officers in juryless vice-admiralty courts. As part of the Province’s judicial system, however, Edson, like his great grandfather, granduncle, and father before him, had “repeatedly taken the oath of allegiance to the British crown…. ” Like practically all American colonials in the middle 1760’s, he would have opposed any notion of severing political bonds with their mother country.
Still, might his private conversations and letters have revealed forebodings of having one day to choose between Americans’ attempts to limit England’s control over them and his deep-rooted loyalty to England and belief in Parliament’s “strict right according to the theory of the English constitution to tax the colonies in all cases whatsoever,” or, to put it in a broader sense, that the mother country was the sovereign power throughout the British Empire.  

Continuing its search for ways to cover the costs of administering its American colonies, the British Parliament passed the Stamp Act in the late winter of 1765. Starting on the First of November, this measure was to tax almost all kinds of printed matter, including colonial newspapers, licenses, and legal documents, the receipts of which “were to be paid into the royal exchequer for the defense of the colonies.” Since this tax was similar to excises in England, its lawmakers probably did not anticipate the angry American response to this direct and internal tax. Bridgewater citizens, already attuned to the cry of “No Taxation without Representation,” undoubtedly would have agreed with the assertion by Reverend Jonathan Mayhew of Boston that almost all British Americans viewed the act “as an infraction of their rights, or their dearly purchased privileges.” I don’t know if Bridgewater was among the forty towns sending formal protests to the General Court condemning this latest fiscal legislation imposed on the American colonies by England. Heeding the call for a strong response from its constituents, the Massachusetts House of Representatives on June 6, led by Otis, called for an inter-colonial meeting in October to draft a unified response to what was considered another arbitrary tax. Samuel White, a deputy from Taunton, Bridgewater’s nearby neighbor, was the House Speaker at the time and presided over the debate. Although a JP and “a moderate in his approach to the Stamp Act crisis,” as William F. Hanna, Taunton’s leading historian points out, White, nevertheless, supported the proposal for a meeting where colonial delegates would not only protest this newest Parliamentary fiscal measure, but proceed to work “diligently to overturn it.” Daniel Howard, Bridgewater’s representative to the General Court in 1765, most likely supported the House’s action, but, like the Speaker, probably took a cautious approach to this latest point of contention between England and her American colonies. Unlike Boston and other commercially-oriented communities of the Province, Bridgewater as an inland and agricultural town most likely had not felt the full impact of Parliament’s earlier post-war measures such as the Sugar Act, perhaps leading some in the town to think this would be the case with the Stamp Act.

109 Mitchell, pp. 36,199; Crane, p. 811; Cushman, “Col. Josiah Edson,” BJ, Feb. 6, 1892; Labaree, “Otis, James,” Encyclopedia of American Biography, edited by Garraty and Sternstein, p. 830; Hanna, A History of Taunton Massachusetts, pp. 88-89; “Thomas Hutchinson (governor),” Wikipedia, the free encyclopedia, http://en.wikipedia.org/wiki/Thomas_Hutchinson_(governor); Schutz, Legislators of the Massachusetts General Court, 1691-1780, p. 300; for my readers wishing more background information on the events leading to the American revolution may I suggest three secondary sources: John A. Garraty’s Fourth Edition of the American Nation: A History of the United States, 1979, presents a concise, reliable, and readable account on pages 71-84; Lawrence H Gipson’s The Coming of the Revolution, 1954, sets the American Revolution in the broader context of the history of the British Empire; Edmond S. Morgan’s The Birth of the Republic,1763-1789, 1956, avers that Americans were motivated by certain political ideas and principles in their struggle for independence; I would like to have reported that Bridgewater and Josiah Edson are mentioned in these works, but, alas, they are not.

Brief Sketch of the Life of Bridgewater's Tory Exile.

Mr. Editor—In the Independent of the British in a very interesting article on "Ancient Bridgewater," mention is made of a "tory, one Josiah Edson, who had a secret room in the cellar of his house in which he kept contraband goods, and on being discovered, fled away in the night, rode away on horseback one Sunday morning and never returned." Wishing to correct the erroneous impression the above statement conveys with it, I submit to you a sketch of the following sort of the life and character of Col. Edson, compiled from material found among my father's papers.

Col. Josiah Edson

Col. Josiah Edson was born Jan. 24, 1709, and graduated at Harvard University in 1726, being the first person of the South Parish (now Bridgewater) that graduated at any college. He married Ruth, daughter of Joseph Bailey of Scituate, in 1737, by whom he had three sons and one daughter. She died in 1743. He then married Mary, daughter of Judge Daniel Parker, and sister of Rev. Jonas Parker of Plympton, by whom he had one son and one daughter. He afterward married Abigail Dean of Taunton. He died on Long Island Dec. 26, 1778, with the British army.

He resided on the place and in the same house now owned and occupied by Mrs. Dr. Nahum Washburn. He was possessed of a very large landed estate in the town, requiring more than three miles of fence on the road to enclose it. Although he had strong natural abilities and extensive literary acquirements, he studied none of the learned professions, but devoted the most of his time to agricultural pursuits. Besides sustaining many town and parish offices, he represented the town of Bridgewater twelve years in the General Court at Boston, commencing in 1766 and ending in 1772. No man was more highly esteemed and honored by the town antecedent to the revolutionary troubles, when he took a decided stand for the crown, by which course he lost the flattering popularity he had acquired and thereby incurred the displeasure of the Samadins and the Storrs of the town.

Col. Edson was neither a good nor a successful politician, or he would have adopted a more prudent and politic course for himself. A loyalist from principle and habit, as many of the em


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and came down to the front door of his house, and said to them, "Walk in, gentlemen. Not one advanced or offered to enter his dwelling. He then said to them, "Why do you not come? You wish to take me to the Committee of Safety? If you insist upon it, I go with you, but you must not consider me as a simpleton. Do you consider me as a simpleton? Were you ever shamed to approach me in the light of heaven?"

Such had been his previous respect and esteem for his person and character that after a few moments' consultation, among themselves, they returned to their homes without further molestation of him.

When he had completed his arrangements for joining the British in Boston, and it was known when he would leave his residence for that purpose, and had commenced his journey on horseback, about one hundred of his townsmen, many of whom were armed, assembled on each side of the bridge in West Bridgewater, on which he must pass, with a view to preventing him as a Tory for trial and punishment. When he came in sight of the bridge and saw the formidable array set met to oppose his progress he walked his horse molently and approaching him in his usual complaisant and dignified manner, accosted them as follows: Good morning, gentlemen, I am much the friend of your rights and liberties as you are yourselves, but you are engaged in an unfortunate cause and must be defeated. You will repent of your conduct. Mark my words this day. Goodbye, gentlemen." And he passed through their lines, not one of them molesting him, nor even seizing the reins of his horse. That he manifested no fear or excitement he would not have been arrested, but he had long possessed their confidence and esteem, and until the commencement of the difficulties between the colonies and the mother country, was by far the most prominent and popular man.

The character of Col. Josiah Edson in private life was most amiable and virtuous, and that of his public career, was marked by policy more than principle, yet when compared in the aggregate, however much may be found to be one

demned, there is much more to be admired. He had a most excited opinion of the discipline and courage of the British army and of the skill of its officers, and underestimated the resources and enterprise of the colonies and, believed there were no bounds to the world that could successfully contend with British gentlemen. Hence he was firm in the faith that any effort on the part of the colonies to coerce England would be unavailing, and that defeat and disgrace would be inevitable.

It is improbable therefore that his political course in the great controversy was more influenced by his fears than by any voluntary choice. The splendors of royalty had not dazzled his mind nor tempted his aspirations for fame. He had neither his fortune to make nor honorable distinction to win, for he had acquired both in an eminent degree. At the time he fled for protection to the British the idea of colonial independence had not been discussed as a question seriously proposed, and had he taken no part in the exciting debates of the day, but had given his attention only to his private concerns, as many others of the same views and apprehensions did, it is more than probable that after the 4th of July, 1776, he would cordially have supported that important measure. But he had imprudently placed himself in a position from which he could not recede. He had fixed his own destiny of grief, sorrow and repentance. He had been proscribed and banished for his political opinions, and had become a wanderer, an outlaw, and an exile from home and from all the enjoyments of social life.

Suddenly, though before his death, in September, 1778, without notice, without any specification of crime, and without even the form of a trial or an opportunity for defence, by a public law in which he was named with three hundred and seven others, his large estate was confiscated, and he was forbidden to return to the colony without leave, under penalty of transportation and imprisonment, and if he should afterwards return without leave he was to be punished as a felon by death. A committee was appointed and directed by resolve of the General Court, passed September 23, 1778, to make sale of the confiscated estate of Josiah Edson, Esq., late of Bridgewater, an absentee.

Thus was his family deprived of their right possessors and reduced to poverty, and thus was he made a victim to his loyalty and personal integrity, without having taken up arms against the colonies, a repossession repugnant to both justice and mercy, painfully cruel in its effects, and greatly disproportioned to his offence: more consonant with the tyranny of crowned despotism than with the benign principles of a free Republican government.

He died in his seventy-sixth year, depressed and broken hearted. He had become convinced of his errors, and his contradiction was deep and oppressive. So much so that death came to him as a welcome messenger.

Colonel Edson was not an active player in these early disputes between England and her American colonies that followed the French and Indian War. His commitment to the Province’s criminal justice system as a local JP and justice on the Plymouth County court continued in the post-war years, but these positions hardly provided platforms for voicing his opinions and judgments concerning political and colonial issues of the day. In Edson’s view, it would have been particularly inappropriate had any of his public pronouncements violated his repeated oaths of allegiance to the British crown, either in his judicial positions or as a colonel in a colonial militia. Additionally, since he did not serve as a Bridgewater deputy to the General Court between 1755 and 1766, he took no part in the sometimes rancorous debates which challenged the efforts of royal governor and his council to implement England’s new colonial tax policy. As one of Bridgewater’s leading citizens, Edson, nonetheless, became acutely aware of the cyclical pattern associated with each new political crisis threatening the bonds between England and the colonies: to wit: Parliament would enact a law, the colonies would protest, a compromise of some sort would be worked out, but the question of England’s sovereignty over her American empire lingered in the background.111

I have found little in the way of primary sources to document Edson’s thoughts about the political turmoil engendered by the passage of the Stamp Act by the House of Commons on February 27, 1765, and the House of Lords nine days later. In surmising his reactions to some of the key developments in the “storm of protest that engulfed the colonies,” following this legislation, I have relied on an article by Darius Cushman, which appeared in the Bridgewater Independent on February 6, 1892, under the title Col. Josiah Edson: A Brief Sketch of the Life of Bridgewater’s Tory Exile. Cushman, who ran a boot and shoe retail enterprise on the western side of Bridgewater’s Central Square in the late nineteenth century, compiled his account from material he found among the papers of his father Thomas, who was a veteran of the War of 1812, a school teacher for twenty-five years, and an amateur scholar “interested in history and antiquarian researches.” The following passage from Cushman’s 1892 essay explains Edson’s position on the key issue of Parliament’s right to tax the American colonials: “Colonel Edson was neither a good nor a successful politician, or he would have adopted a more prudent and judicious course for himself. A loyalist from principle and habit, as many eminent colonists were at that day, and having repeatedly taken the oath of allegiance to the British crown, and not believing that he could be released from its obligations by any act of usurpation of the government, he could not concur in any hostile measures on the part of the colonies, yet no one more lamented or more heartily disapproved of the conduct of Parliament as unjust and inexpedient, though he did not doubt its strict right according

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111 Crane, p. 811; Cushman, “Col. Josiah Edson,” BI, February 6, 1892.
to the theory of the English constitution to tax the colonies in all cases whatsoever." 112

While Cushman’s summary of Edson’s political and constitutional views are even more applicable to the years between 1766 and 1774, they, nonetheless, provide a context for making conjectures concerning his thoughts about the pivotal events of 1765. Had he been privy to Hutchinson’s conversations and letters prior to the passage of the Stamp Act, Edson would have concurred in the lieutenant governor’s forceful arguments against such a levy, especially the one averring that Parliament, as paraphrased by historian Bernard Bailyn, “had long ago conceded to the colonies the power to make their own laws and to tax themselves by their own representatives….” When the Act was enacted, however, Hutchinson proceeded to see to its implementation, believing that Parliament, “entrusted” to speak for Kings, Lords, and Commons, was the sovereign power in England and its empire. Had Edson been in Hutchinson’s position, I suspect he would have followed a similar course of action. But, unlike the lieutenant governor, he was not compelled to take a public stand in the Stamp Act crisis, thus avoiding any criticism at this point detrimental to his reputation as one of Bridgewater’s leading civic leaders, pillars of the local Congregational church, and enforcers of the Province’s criminal justice system. 113

With no collection of Edson’s private correspondence apparently surviving, we can only speculate on his general reactions to specific events in 1765, the year in which the Parliament’s passage of the Stamp Act dramatically increased and welded the opinions of American colonials, including those held by Bridgewater citizens, about relations with a nation they still considered their mother country. Had he been a deputy in the Province’s General Court in the late spring, his leanings in the debate over the Stamp Act would have been far closer to the moderate position of Speaker White than that of representatives calling for a more vigorous colonial response, including James Otis and Samuel Adams. The latter, in the words of historian Richard D. Brown, was “the most important organizer of the Revolutionary movement in Massachusetts and possibly America from the time of the Stamp Act to the Declaration of Independence….” Supporting Otis’s call for an inter-colonial congress would have been, I conjecture, problematic for Edson, despite White’s decision to do so. There can be no doubt, on the other hand, of Justice Edson’s reaction to a stunning piece of news reaching Bridgewater’s peaceful South Parish from Boston in late August, a time when he would have been busy supervising the gathering of crops from his extensive farm lands. Historian Bailyn, more than two centuries later, aptly writes of the violent event in question, which was staged by a secret and irregular anti-Stamp Act organization known as the Sons of Liberty, as follows: “On the night of August 26, 1765, a mob, more violent than any yet seen in America, more violent indeed than any that would be seen in the entire course of the Revolution, 114

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112 Crane, pp. 783, 801, 814; Cushman, “Col. Josiah Edson,” BJ, Feb. 6, 1892; BJ, Jan. 9, 1892, July 20, 1923; Barck and Leffler, Colonial America, pp. 517-528; Encyclopedia of American History, edited by Richard B. and Jeffrey B. Morris, pp. 86-87; I have taken the liberty of including Cushman’s article on the following page of my text; my readers will notice that he takes umbrage at remarks about Edson which appeared in an unsigned essay included in this local newspaper a month earlier; I have no idea if the materials collected by the elder Cushman survive or, if so, whether primary sources, especially Edson’s private and public correspondence, are among them.

attacked the elegant Boston mansion of Thomas Hutchinson, chief justice and lieutenant governor of Massachusetts.” Bailyn describes the extensive damage and destruction wrought by the mob’s savagery, all of which can be verified by reading Hutchinson’s diaries and letters. Particularly lamentable was the loss of much of “the collection of historical papers that he [Hutchinson] had been gathering for years as the basis for a public archive.” I don’t know how well Edson knew Hutchinson, but certainly he had to be shocked and saddened by this attack against the property of a Massachusetts-born citizen who for twenty-five years had made major contributions to the Province’s political and judicial life. While fearing the consequences of such violence on the relations between England and her American colonies, Colonel Edison perhaps found some solace in knowing he was among colonials of “all political persuasion” who strongly condemned the resort to force to assert and advance a particular political point of view.\textsuperscript{114}

About a month after this violent and ominous event in Boston, Justice Edson, leaving his home of thirty-odd years in Bridgewater’s serene South Parish/Precinct, with over 160 houses and a population of more than a 1,000, started his familiar journey to Plymouth, where during the previous fifteen years he had served many times as a judge on the county court dealing with criminal matters. If it were a typical October for this part of New England, he hopefully enjoyed the deep blue sky, cooler temperatures following a hot late summer, and, of course, the first hints of beautiful autumn foliage. His thoughts, and perhaps conversations if some fellow Justice of the Peace accompanied him as they guided their horses eastward to the county’s shire town, dwelt upon, one can assume, not only past and present matters, but also speculations about the future. Now in his middle fifties, Bridgewater’s third Josiah Edson, despite having had his share of family loses, might have mused about his many blessings, including his secure financial position and opportunity to have carried on the Edson family’s long tradition of involvement in the affairs of the Congregational church, town government, and Plymouth Colony/Massachusetts Province. On a less grandiose scale, he might have also been thinking about the cases that were on the docket of the Court of General Sessions, including one dealing with a Bridgewater yeoman charged with “lewd and indecent behavior.”\textsuperscript{115}

As the twenty or so justices, all of whom had sworn allegiance to the Crown, gathered in Plymouth to begin the October session of the General Court of Sessions, their informal conversations would have naturally touched upon the recent resorts to mob violence in their Provincial capital and elsewhere in the colonies to prevent the Stamp Act from going into effect on November 1. No matter in which town they resided, all these upholders of the law had heard the cry “No Taxation without Representation.” Those among them more familiar with this latest Parliamentary tax might have voiced


Thomas Hutchinson

Governor of the Province of Massachusetts Bay

In office

Wikipedia, the free encyclopedia.

THOMAS HUTCHINSON.

Born in Boston, Sept. 9, 1711. Governor of Massachusetts 1771-4. Died in London June 5, 1785.

Governor Hutchinson's House Destroyed by the Mob.

fears for the sanctity of the right to trial by jury posed by that part of the legislation granting jurisdiction to vice-admiralty courts in cases involving violations of the Stamp Act. I do not know if this particular issue was of immediate and pressing concern to Edson and his fellow citizens of Bridgewater, the vast majority of whom had never relied on a jury of peers to protect them from unwarranted criminal charges; although some town inhabitants, as we have seen, were called to serve on juries in Plymouth. 

(Interestingly enough, eleven years later The Declaration of Independence, while unfairly laying most of the blame on “the present King of Great Britain [George III],” rather than on Parliament for the severing of ties with America, placed side by side a charge accusing the King of “giving his Assent” to legislation “imposing taxes” on the colonists without their “Consent” immediately next to one “depriving” them “in many cases, of the benefits of Trial by Jury.”) Whatever differences prevailed among Edson and his fellow justices in the fall of 1765 concerning the constitutional relationship between England and her colonies, the possibility of American independence was not yet a topic broached by any of them.116

As Edson began hearing cases in Plymouth, he was aware the Stamp Act Congress was scheduled to meet in New York City in early October, with a goal of unifying American opposition to this new internal and direct tax. On October 19, less than two weeks after twenty-seven delegates from nine colonies had assembled, a “Declaration of Rights and Grievances,” mainly drafted by John Dickinson from Pennsylvania, was adopted. Considered moderate in tone, the document, among its fourteen resolutions, reiterated what had become familiar colonial demands: no taxations without representation; no granting of jurisdiction to juryless vice-admiralty courts; and, not surprising, the repeal of the entire act. By the time the text of this declaration reached Massachusetts in late October, Justice Edson had returned to Bridgewater and was busy operating a small store, supervising the late-fall work associated with a landed estate, and fulfilling his commitments to the Congregational church in the South Parish/Precinct. His reaction to the stand taken by this inter-colonial meeting was probably mixed. He would have had no argument with the delegates claiming Americans had “all the rights and liberties of the king’s subjects in Great Britain…,” but most likely adhered to his belief, one that would become increasingly untenable in the next several years, that Parliament, no matter how “unjust and inexpedient” its actions might be, had the supreme authority to legislate in all matters, including taxation, for the colonies.117

As developments in late 1765 and early 1766 illustrated, however, England’s strict adherence to the concept Parliament’s sovereignty (ultimate political power) sometimes had to be temporarily put aside in the face of practical considerations. When the Stamp Act ostensibly went into effect within a few days after the close of the inter-colonial meeting, American merchants agreed not to import goods from

England, and businesses in the colonies refused to use the required stamps. I can only speculate on the level of Edson’s discomfort on hearing colonial courts were closing in order to avoid using the stamps as the law required. While American recalcitrance was certainly a factor leading Parliament to reconsider the efficacy of the Stamp Act, the coup de grace to this legislation proved to be the opposition of British merchants who were suffering disastrous economic losses caused by American non-importation agreements. Feeling intense pressure from England’s commercial and manufacturing interests, Parliament in March of 1766 repealed the Stamp Act, setting May 1 as the implementation date. To mollify conservatives, Parliament passed a Declaratory Act re-affirming its right to legislate for the American colonies “in all cases whatsoever.” This news of the Stamp Act repeal was received with “great rejoicing in England.”

There was also much jubilation when news of repeal reached New York City on April 26, and trickled northward to Massachusetts several days later. “Hardly a farthing” had been collected in the American colonies to pay for stamps, and even more important to many Americans was the belief that their resolute stand had prevented England’s attempt to tax them without their being represented in the legislative process. Would Colonel Edson and his fellow citizens of Bridgewater have agreed with the following view expressed by Samuel Eliot Morison two hundred years later: “Their [American colonial’s] fundamental loyalty is proved by their neither taking notice of the Declaratory Act, nor demanding repeal of the Revenue Act of 1764.” On a lighter note, did this inland community, with a population of 4,000 inhabitants spread over seventy square miles and divided among five parishes, join other Provincial communities, including Boston, in celebrating the news with “the ringing of Bells, and the discharge of Cannons…?”

Edson, who had recently returned to his home in the South Parish after a stint as a judge in the April term of the Court of General Sessions at Plymouth, would have been ambivalent about the news of Parliament’s actions. Like many loyal citizens of the Province, including Lieutenant Governor Hutchinson, he viewed the Stamp Act as “unjust and inexpedient” and undoubtedly hoped its repeal augured well for relations between England and her American colonies. His reaction to the Declaratory Act, while probably not publicly expressed, was not as clear-cut. He believed in Parliament’s absolute power to legislate in all matters for all parts of the British Empire, but fervently hoped none of its legislative measures would be so unwise as to threaten what were still referred to as the rights of Englishmen. Walking a fine line between these two considerations became more problematic for Edson beginning in March 1766, when, following a respite of twelve years, he was again chosen by Bridgewater’s town meeting to be a Deputy to the Provincial House of Representatives. A year later,

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118 Peter Orlando Hutchinson, The Diary and Letters of His Excellency Thomas Hutchinson, Esq., Volume I, p. 73; Barck and Lefler, Colonial America, pp. 524-528.
shortly after Edson was elected once more to this position, Parliament, revisiting the issue of its right to tax the colonies, passed the Townshend Acts. Many Americans opposed this latest attempt at taxation because its aim was to raise revenue rather than to control the trade of the empire. Equally an anathema to the colonials, as had been the case in their opposition to the Sugar and Stamp Acts, was the measure giving juryless vice-admiralty courts jurisdiction over cases involving violations of the Townshend Acts. Borrowing words from Hanna’s superb account of Taunton’s history (but using the name Bridgewater instead), “we only wish we knew more about specific reactions to the Townshend Acts among the people of [Bridgewater],” and, I might add, of its deputy to the General Court, Josiah Edson.\footnote{Mitchell, p. 36; Crane, p. 811; Hanna, A History of Taunton Massachusetts, p. 94; Morison, The Oxford History of the American People, pp. 189-194; Barck and Lefler, Colonial America, pp. 532-535; Bailyn, The Ordeal of Thomas Hutchinson, pp. 81, 112, 120, 185, 227, 308; “Townshend Acts,” Encyclopedia of American History, edited by R. B. Morris and J. B. Morris, p. 90.}

The deteriorating relationship between England and her American colonies from Parliament’s enactment of the Townshend Acts in late June of 1767 to the Massachusetts Government Act on May 20, 1774, has received ample coverage in both textbook and monographic accounts. No attempt will be made here to discuss this story in any detail. Rather, our main concern is with the role played by Colonel Edson in several efforts of the Province of Massachusetts to cope with increasing tensions with England. As Bridgewater’s representative in the General Court, he was certainly aware of and involved in the furor created by the Massachusetts Circular Letter. Drawn up by Samuel Adams on February 11, 1768, this denunciation of the Townshend Acts was approved by the Massachusetts House of Representatives and sent to the elective assemblies of the other twelve colonies. In addition to castigating these acts for violating the principal of no taxation without representation, this missive also attacked “any move by the crown to make colonial governors and judges independent of the people,” by having the English government pay the salaries of the colonial governors and judges. Particularly challenging to Great Britain’s sovereignty was the letter’s call for united action by the thirteen colonies. Assuming Colonel Edson had ridden horseback in the dead of winter to attend this meeting, he most likely would have not supported this action, which was indicative of the growing influence of the more radical element in the House of Representatives. Around the time Edson was re-elected in March to the General Court for a third year in a row, Francis Bernard, Massachusetts crown governor from August 2, 1760, to August 1, 1769, had already labeled the circular letter as seditious and dissolved the General Court.\footnote{Crane, p. 811; Barck and Lefler, Colonial America, p. 536; “Massachusetts Circular Letter,” Encyclopedia of American History, edited by R. B. Morris and J. B. Morris, pp. 90-91; “List of colonial governors of Massachusetts,” p. 8, see website in footnote 43 on p. 28; Morison, The Oxford History of the American People, pp. 192-193.}

As Justice Edson made his way to Boston for the May opening of the new General Court, even the loveliness of a New England spring would not have compensated for his forebodings over this latest constitutional crisis threatening the relationship between England and her American colonies. Given his many years of involvement in Provincial criminal justice and military efforts, the accusation of sedition, the “incitement of resistance to or insurrection against lawful authority,” would have caused him...
considerable unease. Edson’s distress would have been even greater had he known that Lord Hillsborough, Secretary of State for the Colonies, had written to the colonial governors on April 21, ordering them to dissolve their respective assemblies if they endorsed the Massachusetts letter and that in a special note the following day told Governor Bernard to prorogue the new Provincial General Court if it refused to rescind the Circular Letter. This correspondence and Bernard’s subsequent June 21st command to the House of Representatives to delete from its journal the resolution supporting the sending of its letter were to no avail. Following a long debate, the House on June 30 voted ninety-two to seventeen not to rescind the Circular Letter. Edson was among the small minority of representatives who voted against defying the Hillsborough-Bernard orders to the House. These deputies were immediately labeled “rescinders,” an “odious appellation” which continued to besmirch their political reputations among those Americans who increasingly opposed Parliamentary actions deemed threatening to their constitutional rights as Englishmen. On July 1, the General Court was dissolved by the governor. Throughout the rest of 1768 the Province of Massachusetts “remained without a legislature….”

The impact on Edson’s role in the judicial and political life of the Province and his “esteemed and honored” position in Bridgewater following his constitutional stand on the negating of the Circular Letter is not easy to assess. I have no evidence if Bailyn’s assertion that “public vilification of the seventeen-man minority was savage and almost universal…” can be applied to Edson. On the other hand, he certainly fit into Hutchinson’s judgment, expressed in his History of Massachusetts Bay, that it took courage for these representatives, “most of them distinguished for their good sense as well as integrity,” “to stand against a popular torrent when it runs with violence.” As protests against the Townshend Acts continued into the fall and winter of 1768, Edson spent his time in Bridgewater, with the exception of serving as a Provincial judge in the October term of the Court of Common Sessions at Plymouth. I do not know if Bridgewater was among ninety-six towns, including nearby Taunton, that sent delegates to an informal provincial meeting held in Boston’s Faneuil Hall for five days in late September to circumvent Governor Bernard’s refusal to call the General Court back into session. While Edson continued to question Parliament’s wisdom in passing the Townshend Acts, he would have, I suspect, considered this meeting extra-legal and unconstitutional at best and at worse treasonous and revolutionary; as it turned out, little was accomplished at this gathering to further the protest against these recent taxes. In any event, Edson undoubtedly heard about the continuing efforts of Boston merchants to prevent the importation of any goods from England for the rest of the year. Perhaps he expressed his

dispiritedness in conversations and correspondence on hearing of the landing of two regiments of British infantry in Boston on October 1. More germane to our account of Edson’s role in the Province’s criminal justice system would be to know of Edson’s reaction (if any) to Parliament’s “overwhelming” endorsement in early 1769 of not only sending two additional regiments to Boston, but also to extending “the provisions of the Treason Act of Henry VIII to the colonies ---which meant that persons suspected of treason might be sent to England for trial……” (At this point, Edson could not have imagined that he would spend the last four years of his life in colonial territory controlled by British troops, not because of being charged with treason by England, but rather seeking refuge from the wrath of his fellow citizens of Bridgewater who accused him of disloyalty in refusing to support the Revolutionary cause.)

The years between 1769 and 1774 were busy ones for Colonel Edson. He continued to perform judicial duties for the Province in Plymouth, the county’s shire town, not only adding to his twenty years of service as a justice in criminal cases, but also becoming a judge in 1771 of civil cases which were assigned to the Inferior Court of Common Pleas for Plymouth County. As a deacon, he maintained his leadership role in his parish church, always ready to lend support to his fellow parishioners and their pastor Rev. John Shaw, who, it will be recalled, had started his ministry about the time Edson purchased his house; this dwelling, now referred to as “the Tory House,” still stands on what is now the western side of Central Square and has the distinction of being the oldest structure in present-day Bridgewater’s center. Nevertheless, his involvement in the periodic crises, which we now know were leading to a final severing of ties between England and her American colonies, was limited, especially compared to the early years of his return to the General Court. I can only speculate why he was not chosen to be Bridgewater’s deputy to the General Court in 1769 and 1770; Col. Edward Mitchell of the East Bridgewater Parish/Precinct replaced Edson. Perhaps some of his fellow citizens resented his support for recalling the Circular Letter in June of 1768, making him one of seven “rescinders” who lost their seats in town elections in the spring of 1769. He also might have grown weary of walking the fine line between not always agreeing with Parliament’s actions toward the colonies while at the same time adhering to his belief in Britain’s constitutional sovereignty in all matters relating to its empire. Alluding to this possibility in 1771, Thomas Hutchinson, who received word of his commission as governor in March of that year, referred to Edson as “one of several gentlemen” in the Province’s House of Representatives whose words in ordinary times would have had great weight, but who became inactive when faced with the great numerical superiority of his fellow deputies willing to oppose Parliamentary legislation.

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While Edson perhaps enjoyed the relative serenity of not having to take a decisive stand on the on-going political and constitutional disputes between England and America, he would have joined other informed Bridgewater citizens in keeping abreast of colonial opposition to British policies and actions. The non-importation movement of 1768-1770, protesting the Townshend taxes, continued until March 5, 1770, at which time Parliament lifted all duties except the one on tea. I do not know if Bridgewater like its larger neighbor Taunton had a local chapter of the Daughters of Liberty which did its part in the repeal effort by joining in the “vogue of spinning bees, wearing clothes of home-woven cloth, and brewing raspberry-leaf or Labrador tea.” If this had been the case, Edson’s third wife, Abigail, I can say with confidence, would not have hosted any meetings of this organization. Interestingly enough, repeal of the detested Townshend Acts occurred on the very day of the so-called “Boston Massacre,” a tragic incident which I have previously touched upon. When on March 6 word reached Bridgewater of this deadly confrontation, Edson would have been contemplating his return to Plymouth as a justice in the April term of the Court of General Sessions. He undoubtedly discussed this violent event with some of the twenty-five judges who traveled to the shire town on what could have been a typical rainy day in April. Like his judicial colleagues, he would have been appalled by the deadly riot, which Josiah Quincy, Jr. later averred “was justified by no one.” While Edson would have been saddened by the loss of five men when a small detail of Red Coats fired into “a yelling mob of several hundred boys and men,” his voice would not have been part of a swelling chorus crying “Murder.” I can only speculate if the violence in Boston caused Edson to have serious doubts about the possibility of reconciling his deep rooted conviction of England’s sovereignty over the colonies with the “assertions” of other colonials “that Parliament’s unconstitutional acts justified colonial resistance….”

The two years following the “Boston Massacre” for the most part presented no great challenges to what might be labeled a modus vivendi in relations between England and her American colonies. This was especially the case in 1771, a year in which Edson again represented Bridgewater at the General Court in Boston. In the following year, Daniel Howard, who hailed from the North Bridgewater Parish and who had been the town’s deputy to this legislative body for thirteen years between 1748 and 1766, was called upon at the age of seventy-three to once more serve in this capacity. Edson, although a decade younger than his replacement, most likely did not miss the arduous journey to the Provincial capital. He would have, however, followed news about several developments in 1772, which served to remind the British and colonials of the tenuous nature of their relationship. Indicative of continuing antagonism between them was an incident involving the British customs schooner Gaspee, which had run aground near Warwick, Rhode Island. In what was clearly a criminal action, a party of sixty-four men on

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the night of June 9 boarded the vessel, and, after putting the crew and its commander ashore, set the patrol boat afire. As a man of law and order and a loyal citizen of the British Empire, Edson certainly opposed this flagrant attack. Even Mercy Otis Warren, the well-known patriot historian, called the burning of the Gaspee an “illegal proceeding.” In late August, a royal proclamation called for a Commission of Inquiry to discover the culprits, a step Edson would have supported. What he thought about the requirement of sending the accused to England is not such a clear-cut matter since trial by a jury of one’s peers had long been an accepted part of the colonial criminal justice system, which he had sworn to uphold for the past twenty years. The commission, faced with public hostility, garnered little evidence and in the following June finally adjourned.126

Four days after the burning of the Gaspee, Governor Hutchinson of the Province of Massachusetts Bay announced that from this point on his salary would be paid by the crown. In September, this announcement was followed by a similar one “relative to the Massachusetts judges.” Had Edson been a member of the House of Representatives at the time, he would have found himself in an untenable position. As a Provincial justice he did not speak out against the governor, who would not have taken this action without the support of the crown. But, having served as Bridgewater’s representative for ten of the years between 1746 and 1771, Edson was surely aware that by a stroke of the pen the executive and judiciary of the Province were no longer subject to the General Court’s power of the purse. In response to this new threat, Samuel Adams, the recording clerk of the Massachusetts House of Representatives between 1766 and 1774, persuaded the Boston town meeting in November to create, or should we say revive, and promote the system of Committees of Correspondence, which had previously aided the colonies in their efforts to have Parliament repeal the Stamp Act. Had Edson been at this meeting, he would have winced when Adams, referring to Hutchinson’s announcements on salaries, averred it would be a mistake to accept the decision of judges who aided “the iron hand of Tyranny to ravish our Laws.”127

By early 1773, some eighty towns in the Province of Massachusetts, following Boston’s suggestion, had formed their own Committees of Correspondence. Dominated by radicals, they engaged in extended discussions on current matters of concern, such as “absolute powers of Parliament, taxation without representation, unconstitutional exercise of authority by crown officers, standing armies in time of peace, and transfer of court cases to England for trial.” From the start, Governor Hutchinson vehemently opposed the formation of these groups, characterizing the members of Boston’s committee as


“blackhearted fellows whom one would not choose to meet in the dark.” Bridgewater’s neighbor Taunton established such a committee in late 1772 and in the following year appointed Robert Treat Paine, the senior prosecutor at the Boston Massacre trial, as its leader. It would be interesting to know how he would have reacted to the governor’s alarming prediction that unless the spread of these committees was checked, “it would mark a total separation of the colonies from Great Britain.”

Kingston, Bridgewater’s neighbor to the northeast, held a town meeting in the same year to discuss a publication written by Joseph Warren and sent by Boston’s committee, enumerating “the infringements of the rights of the inhabitants of the colony.” Responding by letter, the Kingston meeting voiced its hope that the colonists would “be ever watchful over their just rights” and that “their liberties be fixed on such a basis as that may be transmitted inviolate to the latest posterity.” Kingston did not form its own Committee of Correspondence until after a meeting was held on September 26, 1774, in nearby Plympton, where the Plymouth County towns had gathered to discuss this matter.128

Bearing in mind the anonymous nature of the earliest of these town committees, I nonetheless suspect Bridgewater, like Kingston, was not part of this expanding correspondence network in 1773. Quite probably Bridgewater also received Warren’s political statement, but at this point in my research I don’t know if the town meeting sent a reply. Even before the gathering of the county’s towns mentioned above, a “full meeting” of Bridgewater’s inhabitants on September 12, 1774, did vote to establish “a Committee of Correspondence…to confer with the other towns in the Province.” By this time, of course, the colonies were on the verge of open revolt against their mother country. A year and half earlier, however, the thought of revolution had hardly been contemplated by American colonials. When Edson was chosen in the spring of 1773 to once more represent Bridgewater in the Province’s General Court, the committees of correspondence, despite efforts of radicals in every colony, were in danger of dying of inertia. As a church deacon, county judge, esteemed town citizen, and loyal son of the British Empire, he would have been happy to see the demise of this correspondence system and an end to the constant quarreling between the colonies and England. His skill at balancing what he considered fair criticisms of Parliament’s actions with his unshaken belief in its constitutional power to legislate in all matters for the colonies must have been considered by the Bridgewater electorate when again entrusting him with the task of representing the town in the Provincial government. But around the time Edson returned to Boston the relative calm in the relations between England and the colonies was about to come to an end.129

On April 27, 1773, Britain’s House of Commons passed the Tea Act, inadvertently initiating a

129 Crane, pp. 799; 811; Mitchell, p. 36; Moran and The “Highlights” Staff, “The American Revolution in Bridgewater,” HH, p. 177; Barck and Lefler, Colonial America, p. 547; Maier, From Resistance to Revolution, pp. 224-225.
series of events leading directly to the American Revolution. The main purpose of this legislation neither sought to increase colonial trade regulations nor to raise revenue. Rather, it aimed at bailing out the British East India Company from its dire financial condition. This “lumbering giant” had fallen on hard times, caused by corruption and inefficiency and, in addition, the declining sales of tea to the American colonies dating back to the non-importation agreements following the Townshend Acts of 1768 and the subsequent increase in colonial consumption of cheaper tea illegally imported mostly from Dutch sources. Fearing the company’s collapse would adversely affect the financial well-being of English investors as well as threaten Britain’s hold on India, this Parliamentary legislation provided for remitting to the Company the import duties, levied in England, on all tea then transshipped to America. The law also authorized this British enterprise to consign its tea cargo to American merchants of its own choosing. Despite some criticism of the retention of the Townshend excise on tea, which in 1770 had been retained as a symbol of Parliament’s constitutional power to tax the colonies, British lawmakers viewed the new act in positive terms and probably expected minimal protest from the colonies. Not only would the East India Company be aided in reducing its glut of seventeen million pounds of tea stored in British warehouses, the proposed tax breaks would permit this enterprise to sell its tea more cheaply in the colonial market. While many colonists would have enjoyed a good but cheaper cup of tea, they, nonetheless, opposed the act on several grounds. But resonating most with Americans was the charge that this new favorable arrangement with the British East India Company gave it a monopoly on an important aspect of trade between the colonies and England. This raised the possibility of Parliament doing the same for other British concerns at the expense of colonial merchants engaged in similar commercial activities.  

Any slim hope Edson had of his twelfth year in the General Court being relatively free of wrangling between England and the colonies was soon shattered by the growing opposition to the Tea Act. From the start of this latest crisis, he had no allusions of having much influence in the House of Representatives dominated since the late 1760’s by deputies with radical liberal leanings, including Sam Adams, who is credited by historian Richard D. Brown as “probably most responsible…for the strategy adopted in Boston to oppose the Tea Act that culminated in the Tea Party…..” Realizing the cry of “No Taxation without Representation” was hardly applicable to this latest Parliamentary affront to Americans, colonial radicals adroitly seized upon the issue of monopoly and began to use the Committees of Correspondence to promote efforts in the summer and early fall to convince American tea agents of the British East India to resign and, most important (one might say ominous) to make plans to prevent the tea from landing in Boston, New York, Philadelphia, and Charleston. 


Remembering the painful experience of being labeled a “rescinder” in June of 1768, Edson might have had serious doubts about whether British-American relations would survive this new crisis. While he continued to steadfastly adhere to his belief in England’s ultimate sovereign power over the colonies, one might wonder if he questioned either mentally and/or vocally Parliament’s wisdom in passing the Tea Act. As a county justice, he had long been part of the Court of General Sessions’s decisions on what local enterprises would be placed on “A List of Persons licenced to Sell Tea…;” like the granting of liquor licenses, the courts usually followed the recommendations of a town’s selectmen. Did anyone in Bridgewater suggest to their representative the possibility of its local businesses being adversely affected by the monopoly granted to the British East India Company? Also adding to Edson’s unease that summer was a scandalous and complex episode involving some private letters written by Thomas Hutchinson between 1767 and 1769, when he was serving as the Province’s chief justice. Along with other “inflammatory statements in this correspondence,” he questioned the efficacy of popular government and advocated an “abridgement of what are called English liberties” in the colonies. Subsequently, these letters fell into radical hands, and in June 1773 Sam Adams read them before a secret meeting of House of Representatives, with Edson, I assume, in attendance. If this was not the case, he was soon able to read reprints of the letters since they appeared throughout colonial America. Edson was surely saddened to hear of Governor Hutchinson being “burned in effigy in places as far off as Philadelphia” and would not have signed a petition drafted by the House of Representatives to the Board of Trade in London demanding the governor’s removal from office; in any event the Provincial Council, which acted as the upper house of the General Court, rejected this petition.132

As summer gave way to fall in 1773, Edson, while continuing his domestic, civil, military, and judicial duties, certainly joined other citizens of Bridgewater and Massachusetts in thinking about the consequences of any attempt by British ships to land their cargos of tea at leading colonial ports. By some channel, Americans were informed that the tea ships had begun their ocean voyages as early as the start of October. I do not know if or when the inhabitants of the small inland town of Bridgewater had its share of mysteriously appearing handbills warning Americans of the imminent arrival of the “Worst of Plagues, the Detestable Tea.” But word of a mass meeting in Philadelphia on October 16 condemning the Tea Act and calling upon the tax consignees to resign most likely reached Massachusetts in several days. Edson, who possibly obtained a copy of the eight resolutions drawn up by Philadelphia radicals as he was performing court work in Plymouth, would have especially noted the one averring that tax receipts from tea imports would lead to “ministerial” governing of the colonies, curtailing the powers of a

popularly-elected assembly to control the colony’s government, administration of justice, and defense.\textsuperscript{133}

Between the passage of the Philadelphia resolutions and their endorsement by a Boston town meeting on November 6, a public event attended by Governor Hutchinson and, presumably, Colonel Edson took place in Bridgewater’s East Parish on October 21. The following account appeared in The Boston News-Letter, a publication started in 1704 and credited with being the “first continuously published newspaper in British North America”:

Col. Edson’s Regiment [Third Regiment of Plymouth County Militia], consisting of nine foot-companies of this Town and two of Abington, was reviewed this day by his Excellency the Governor (Hutchinson). His Excellency was met at the entrance of the Town by a number of the principal inhabitants, and conducted to the house of the Rev. Mr. Angier (John), near the place of the parade. There were about seven hundred men in arms, and a greater concourse of people than has been known to have been in the Town upon any other occasion.\textsuperscript{134}

Without reading too much significance into this gathering, it, nonetheless, raises several interesting questions. Who initiated and planned this military review? Was it meant to show political support for Governor Hutchinson who was on a collision course with radicals in the Massachusetts House of Representatives over his determination to land the tea at Boston? Was The Boston News-Letter in the 1770’s still being heavily subsidized by the government of Great Britain? Did Rev. Angier, who had served the Congregational Church in Bridgewater’s East Parish since 1724 and still lived in the manse erected for him 1725, entertain Governor Hutchinson and Colonel Edson at his home, either before or after the viewing of the parade? If so, did these two men, who had known each other since the 1740’s, talk about the crisis stemming from the Tea Act and how their loyalty to England was being tested as many of her American subjects, influenced by radicals in the colonial assemblies, began to openly question England’s right to control the internal affairs of her North American empire. Was the unusual size of the crowd viewing the exercises in any way indicative of public support in Bridgewater and Abington for maintaining political ties between Province and England?\textsuperscript{135}


\textsuperscript{134}“Boston News-Letter,” Oct. 21, 1773; a copy of this newspaper item was found on pages 159-160 in the publication describing the Celebration of the Two-Hundredth Anniversary of the Incorporation of Bridgewater, Massachusetts, at West Bridgewater, June 3, 1856 (see my footnote 18 on page 13); The Boston News-Letter, From Wikipedia, the free encyclopedia, http://en.wikipedia.org/wiki/The_Boston_News-Letter, pp.1-2.

\textsuperscript{135}Mitchell, pp. 105, 147; Harris, “East Bridgewater,” Bridgewater Book, p. 13; “The Boston News-Letter,” see website in footnote 134 on the previous page; “Bridgewater Inn Has Interesting History,” Brockton Enterprise, July 17, 1924, as found in the Pictorial History of Bridgewater, Massachusetts (Bridgewater, Ma.: Printed by Dorr’s Print Shop; Whitman, Massachusetts: Harry B. Harding and Sons Printers, 1987) p.7; this last source and three others were the work of the Bridgewater Historical Collectors-Ruth Hooper Bishop, James “Mike” Bois, James W. Buckley, Martha Dorr Cossaboom, Katherine Pratt Jordan, Arthur C. Lord, Dorothy Lord Mann, and James K Moore; we are much in debt to them for preserving in words and pictures a good deal of Bridgewater’s history; my readers might
About five weeks after Hutchinson’s visit to Bridgewater, events leading to the famous tea party began to unfold in Boston, where tea consignees of the British East India Company, unlike those in the other leading colonial ports, refused to resign in spite of radicals’ threats. One wonders whether Edson knew that two of Hutchinson’s sons and nephew were among those “to whom the company intended to consign its tea,” although the governor evidently had no part in this arrangement. After three tea ships arrived in Boston harbor in late November, a stalemate immediately developed. Boston radicals, led by Sam Adams, were determined to prevent the tea from being landed and demanded the ships return to England without duties being paid. The governor was equally determined to uphold the law and collect the taxes before the ships were allowed to leave Boston harbor. At a meeting chaired by Adams on the evening of December 16, “some five thousand (to eight thousand people) assembled in and near Boston’s Old South Church,” (now located on Washington Street and considered one of Boston’s leading historical attractions) were informed of “the governor’s final refusal” to change his position. A few hours later, a group of fifty men, faintly disguised as Mohawk Indians, dumped 342 chests of tea into the Boston harbor.136

When news of this daring act reached Bridgewater the following morning, it must have elicited a variety of reactions, including expressions of ambivalence, nods of approval, and words of condemnation. Many town inhabitants had generally shared Boston’s opposition to the Tea Act and would have reacted favorably on hearing that a Plymouth town meeting on December 7 had “voted unanimously to support Boston in its opposition to the landing of the tea…..” Conversely, some folks in Bridgewater, possessed of less “revolutionary fervor,” might have found solace on hearing of an attempt on December 13 to reconsider the shire town’s previous expression of support; by a vote 53 to 20 this motion was defeated. As was the case for most colonial Americans, the Boston Tea Party posed a dilemma to the inhabitants of the inland community of Old Bridgewater. As inheritors of the English belief in the sanctity of private property, they were compelled to acknowledge the criminal nature of what had taken place in their provincial capital on the night of December 16, 1773. With the day of sampling public opinion in the far-off future, we have little data on which to draw solid conclusions concerning what the majority of Bridgewater’s citizens thought about American-British relations in the aftermath of the Boston Tea Party. I suspect, however, most of them at the start of 1774, while not yet contemplating the breaking of political ties with England, were in a quandary of how best to react to Parliamentary measures threatening their cherished economic and political rights as “Englishmen.”137

Justice Edson would have agreed with Benjamin Franklin who viewed the destruction of the tea

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136 Crane, p. 799; Nelson, Dispute and Conflict Resolution, p. 128; Moran and The “Highlights Staff,” “The American Revolution in Bridgewater,” HH, p.127;
(nothing else was harmed in the raid) as a violation against private property, but I doubt would have voiced support for the assertion of Harrison Gray, the conservative treasurer of the Province of Massachusetts, that God would punish the “unrepentant” perpetrators “in the lake which burns fire and brimstone.” Nor would Bridgewater’s sixty-five year old deputy in the General Court have agreed with the view of the considerably younger John Adams, who “under the watchful eye of his distant cousin Samuel Adams” had become “one of the inner circle of Massachusetts radicals” in the House of Representatives. John Adams predicted “important” and “lasting” consequences would stem from the Tea Party, making it the start of a new glorious “Epoch in History.” Edson might also have had premonitions about the consequences stemming from the destruction of tea in Boston’s harbor. But, unlike Adams’s optimistic prediction, would have seen this episode as a sad turning point in the long relationship between England and her American colonies. On a more personal note, we must raise the question of whether Edson had begun to think more deeply about his future in a town and province no longer an integral part of the world-wide British Empire, a political entity he had loyally served for over forty years.\(^{138}\)

Like most colonials, Edson and his Bridgewater neighbors instinctively knew Britain would not allow the destruction of the British East India Company’s tea to go unpunished. After receiving news in February of the Boston Tea Party, Parliament, with the support of King George III and much of the English public, “moved with extraordinary celerity” in passing between March and June four measures known as the Coercive Acts in an attempt to reassert control over the American colonies. These legislative enactments, along with the unrelated Quebec Act, were soon labeled “intolerable” by most Americans. In light of the December activities of Boston’s radicals and the findings cited in a ten-year Parliamentary study accusing Massachusetts of being the most rebellious of England’s colonies, it was not surprising to see punitive action taken against this colony, including the closing of Boston harbor and the curtailing of democratic involvement in Provincial affairs by greatly modifying the Charter of 1691. Continuing as a justice in the April and July terms of Court of General Sessions, but not as Bridgewater’s deputy in the General Court, Edson questioned the wisdom of this coercive policy and viewed this ominous course in British-American relations with sadness and alarm. Nonetheless, his loyalty to England remained unwavering, evidently outweighing his concern for the increasing numbers of American colonials, including those in Bridgewater, who had decided the time had come when, in the words of Harvard historian Samuel Eliot Morison, “loyalty, tradition, and pride of membership in a great empire” were not as important as taking “a firm stand” in defense of the “cherished principles of English liberty…..” Little did Edson know that in the late summer he would be forced publicly to choose between his loyalty to England and an America fast approaching open revolt against a country to which it had been tied since the founding of Jamestown, Virginia, in 1607.\(^{139}\)


\(^{139}\)Mitchell, p. 36; Crane, p. 811; Plymouth Court Records, 1686-1859, edited by Konig, Volume 3, p. 350; Cushman, “Col. Josiah Edson,” BI, Feb. 6, 1892; Dalton, Wirkaula, and Thomas, Leading the Way, p. 40; “Coercive
That Parliament was serious about reigning in the political assertiveness of its leading colony in New England became apparent with the passage of the coercive measure known officially as the Massachusetts Government Act of May 20, 1774. A week earlier General Thomas Gage had arrived (or should we say had returned to) in Boston to serve as commander of British forces in North America and to replace Hutchinson as Governor of Massachusetts. This loyal servant of the Province of Massachusetts Bay and the British Empire sailed for England on June 1, “broken in health and spirit” and never again to see his beloved New England or enjoy the serenity of his Milton estate. Defying Governor Gage, the Massachusetts House of Representatives met in Salem on June 17 and overwhelmingly supported Sam Adam’s call for a meeting of a Continental Congress at Philadelphia in September; both Edward Mitchell and Richard Perkins from Bridgewater evidently supported the resolution. Around the time of this action, details of the Parliamentary legislation mentioned above reached Boston. Edson’s reactions to these developments assuredly fit into a long-established pattern. He could not have countenanced an inter-colonial gathering which was bound to challenge England’s sovereignty over the American colonies and lead to open revolt against an empire of which he had been a loyal citizen all his life. On the other hand, he had to be conflicted as he tried to remain loyal to England, notwithstanding Parliament’s passage of legislation aimed at drastically curtailing the political and judicial rights enjoyed by Massachusetts since the issuance of its charter in 1691. Before looking at Edson’s response to this dilemma, we need to look at the provisions of the Massachusetts Government Act.

Having spent thirty-five years in public service, Edson must have realized the threat this measure posed to the democratic nature of the Province’s political and judicial institutions. The provision limiting town meetings to the one holding annual elections and others needing the governor’s permission and approval of the agenda surely caused him considerable anguish. Like his namesakes, his granduncle and father, Edson had been greatly involved in Bridgewater’s town government, and it was the town meetings which had sent him to represent their interests in the General Court. He was also aware, however, of support given by many local communities to deputies in the House of Representatives who had led the resistance to Parliamentary measures to bring the Province of Massachusetts Bay back into line. Equally sweeping were the changes made in the Province’s judicial system. Beginning on July 1, “his Majesty’s governor” would have the power to appoint and remove, “without the consent of the council,” the attorney general, inferior judges, justices of the peace, and county sheriffs. In addition, the royal governor of the

Acts, The Reader’s Companion to American History, edited by Foner and Garraty, p. 193; Barck and Lefler, Colonial America, pp. 532-553; “Coercive Acts,” Encyclopedia of American History, edited by R. B. Morris and J. B. Morris, pp. 97-98; Morison, The Oxford History of the American People, pp. 205-206; Hanna, A History of Taunton Massachusetts, p. 98; Maier, From Resistance to Revolution, pp. 225, 238; American colonists opposed the provisions of the Quebec Act, especially the one extending Canada’s boundary to the Ohio River, thereby challenging claims of Massachusetts, Virginia, and Connecticut to this area; unlike some of towns closer to Boston, I suspect Bridgewater as an agricultural and inland community sent few goods to the provincial capital to be sent overseas.

Province was empowered to nominate the chief justice and judges of the Superior Court and submit their names to the king for his approval. Even more of a challenge to local involvement in the judicial system, juries for the county courts were to be summoned by the sheriff, a Provincially-appointed official, rather than be chosen at town meetings and then notified by a constable. Had not the American Revolution intervened, all the provisions of the Massachusetts Government Act of May 20, 1774, mentioned above, would have greatly altered the political and judicial life of the Province of Massachusetts Bay. But one more section of this Parliamentary legislation deserves our attention since it led to a series of events which ended in Josiah Edson’s sad departure from Bridgewater, his native town which he loved and so admirably served for over forty years.141

In stark contrast to the royal charter of 1691, which allowed the House of Representatives to nominate members of the Massachusetts Council, the governor of the Province, as of August 1, 1774, was authorized “by commission under the great seal of Great Britain,” to appoint his councilors, their numbers not to “exceed thirty-six” or be “less than twelve.” Fulfilling his duty as the royal governor of Massachusetts, General Thomas Gage, who had replaced Hutchinson, the last civilian to hold this position, chose “thirty-six of the most prominent loyalists of the colony,” including Josiah Edson, to serve on the Council. Receiving their appointments by Writs of Mandamus, commanding them to perform this duty, perhaps these men had not anticipated the degree of anger their acceptance would elicit from their neighbors and townsfolk in general. Soon receiving the odious label Mandamus Councilors, their lives were made “miserable,” leading eleven to “immediately” resign and nine to do so “within a few weeks.” (My readers would find it profitable to read about the ordeal of Daniel Leonard, a councilor from Taunton, found in Hanna’s history of that community.)142

Not surprising, Edson was among the sixteen councilors who refused to step down, despite very “few of his near connections, if any,” supporting his decision. (It might be pointed out that he evidently, for whatever reason, did not formally take the oath of office for his new position.) For ten years, he had walked a fine line between his disapproval of some Parliamentary measures, including the recently enacted Massachusetts Government Act, to maintain political, economic, and judicial control of the American colonies and his steadfast belief in England’s sovereignty over all aspects of her empire. Perhaps Justice Edson hoped his longtime and esteemed position in the civic, judicial, and religious life of Bridgewater would insulate him from the rage exhibited against councilors hailing from other Provincial

Wirkkala, and Thomas, Leading the Way, p. 41.
communities. His thoughts might have gone back to 1771, when, despite being criticized three years earlier for being among the seventeen “rescinders” voting for the recall of the Circular Letter during the Tea Act crisis, he had been chosen again as Bridgewater’s deputy to the General Court. By the summer of 1774, however, much had happened, as we have seen, to widen the gap in the relations between England and her American colonies. As historian Pauline Maier points out, loyalty to Britain by this time was markedly declining.143

Paying no attention to Parliament’s attempt in the Massachusetts Government Act to limit the calling of town meetings, the citizens of Bridgewater assembled with Edson’s voluntary absence to deal with his willingness to serve as one of the mandamus councilors. At a full meeting of the town on a Monday in late August, several resolves were unanimously passed (see the following page). Stated in general terms, the first resolution averred “the members of his Majestie’s Council” had “forfeited the love, regard, and confidence of their fellow-countrymen….” Might those citizens sensing a break with England was imminent have suggested the word “Americans” be substituted for “countrymen,” and others who understood the undemocratic nature of an appointive Governor’s council have snickered at the words “his Majestie’s Council?” The second and third resolves in effect demanded the resignation of the mandamus councilors if they wished to remain in the good graces of their respective communities. If they chose not to do so, they would be treated “with all the contempt and neglect that such unparalleled conduct deserves.” That some at the meeting were still thinking about their rights as Englishmen is illustrated by the accusation that the newly-appointed councilors were “pursuing a total subversion of our charter and Constitution.” More specific in nature, the fourth resolution called for a committee to meet with Col. Josiah Edson to demand his resignation from the governor’s council and report his “acquiescence, or refusal” to the town meeting.144

Edson had no intention of submitting to the demand for his resignation and was soon making arrangements for his journey by horseback to Boston, where he planned “to take refuge in the British garrison.” In the meantime, however, as in the case of other recalcitrant mandamus councilors, he became the target of popular scorn. That his fellow worshippers at the South Parish’s Congregational church turned against him is illustrated by a story that somehow even reached the Rivington’s Gazette, published by the English-born American journalist James Rivington in New York City and considered “one of the most infamous Loyalist newspapers in the American colonies….” At a Sunday morning service around the time of the August town meeting, Edson, still serving as Deacon of the Parish church, “stood up …to read a psalm,” expecting his fellow worshippers to repeat its words in song. But much to

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144 Crane, p. 799; I am much in debt to this town historian who included in his text the resolves passed at the Bridgewater town meetings of August 24,1774, and September 12, 1774 (see the following page); BI, Feb. 29, 1884; HH, p. 37.
Edson’s chagrin, only his son Josiah responded. While “this mild social reprehension” was probably not a main reason for Edson’s decision to leave Bridgewater, it reportedly “hardened his heart like Pharaoh,” prompting him, I suspect, to ruefully question whether this was a just reward for all his years of devotion to a church he loved and served all his adult life. (About a year after his flight from his home in Bridgewater’s South Parish, Edson might have been equally upset and surprised if he had the opportunity to read the first canto of *McFingal: a modern poem Or, The town-meeting*, a mock epic poem* by American poet John Trumbull. Ridiculing American loyalists in general, the writer refers to “that old simplicity of Edson,” hardly a fair description of a citizen who had contributed so much to the civic and judicial life of his town, county, and colony.\(^{145}\)

While the sequence of events between the town meeting of August 1774 and Edson’s departure to Boston that fall are not completely clear to me, several episodes of this story are worth noting. At the adjourned meeting on September 12, the inhabitants of Bridgewater were in effect told by the committee sent to meet with Edison that “his continued absence” prevented them from resolving the issue of his resignation. After receiving this news, the meeting voted in the affirmative for several resolutions. The first condemned “Col. Josiah Edson and others” for their “perfidious, treacherous, and deceitful” opposition “at all times (to) men and measures that are endeavoring to frustrate the evil intentions of the British Ministry….,” and ended with the words “they (Edson et al) are declared enemies, and unfit to be trusted in any office again.” A full history of Bridgewater’s role in the Revolution might shed light on the three words I have taken the liberty to underline. “Others” and “they,” for instance, might indicate Edson was not the only loyalist in Bridgewater. I also found the use of “treacherous” revealing since it is not uncommon to substitute “traitorous,” defined today as “guilty or capable of treason.” While Americans today harbor no regrets on the outcome of the Revolution, there were those colonials, including Josiah Edson, who held those challenging Britain’s sovereignty were the ones acting treacherously. The other resolves passed at this meeting clearly indicated Bridgewater was preparing to do its part in what appeared to be an imminent conflict between America and England, a prudent course of action considering the First Continental Congress had begun meeting in Philadelphia on September 5.\(^{146}\)

Given the lack of primary sources and absence of documentation in the brief accounts found in


\(^{146}\) BI, Feb. 29, 1884; Crane, p.799; Jones, *The Loyalists of Massachusetts*, pp. 86-87; “Church, Benjamin, 1743 to 1778?—Physician,” *HH*, p. 258; Barck and Lefler, *Colonial America*, pp. 558-559; Moran and The “Highlights” Staff, “The American Revolution in Bridgewater,” *HH*, pp. 127-128; *HH*, p. 37; Friedman, *Crime and Punishment in American History*, pp. 7, 55, 65-65; “Church, Benjamin,” *Dictionary of American Biography*, edited by Allen Johnson and Dumas Malone (New York: Charles Scribner’s Sons, 1928-1937), Volume II, pp 100-101; readers interested in changes in the law of treason during the revolutionary period might wish to read Friedman’s concise summary; I am aware that I have not included in my account the story of Dr. Benjamin Church, “the grandson of Col. Benjamin Church of King Philip’s War fame” and a loyalist; *Townscape Institute*, Form 183, pp. 436-437; for information about Dr. Church readers might wish to read brief biographies found in Jones’s work, the biographical section of *HH* and, most important, the fuller account in the *Dictionary of American Biography*; this latter source has Church building a “fine house at Raynham, Mass.,” around 1768; the account in *HH* has his “handsome dwelling near Nippenicket Lake.
Bridgewater
Town Meetings:
Aug. 24, Sept. 12,
1774, Crane, p. 799

Historical Record—1774. The following account of the action taken by the citizens of Bridgewater is of interest in relation to Col. Josiah Edson, a mandamus councilor under the English government. At a full meeting of the town on Monday, Aug. 24, 1774, they unanimously voted the following resolves:

"1st. Resolved, That those persons who have taken the necessary oaths, and thereby qualified themselves to act as members of his Majesty's Council, according to a late act of Parliament have forfeited the love, regard, and confidence of their fellow-countrymen, and rendered themselves obnoxious to their just retribution and indignation.

"2d. Resolved, That until the aforesaid persons utterly retract from and renounce their appointment they shall be esteemed inveterate enemies to their native country, lost to a sense of honor or humanity, and by their own voluntary exertions are still pursuing a total subversion of our charter and Constitution. And whereas sundry of the aforesaid gentlemen, conscious of having rendered themselves obnoxious to their fellow-townsman, have deserted their proper place of abode.

"3d. Resolved, That while any of them persist in retaining their aforesaid places as Councillors we will in no wise lend them the least aid or protection, but, on the contrary, treat them with all the contempt and neglect that such unparalleled conduct deserves.

"4th. Resolved, That a committee be chosen to confer with Col. Josiah Edson and demand his resignation, and in case of his acquiescence, or refusal, to report to this body at their adjournment.

"5th. Resolved, That Messrs. Edward Mitchell, Nathan Mitchell, Richard Perkins, Nathaniel Reynolds, and Thomas Hooper be a committee to join Congress with the several committees in the other towns in the County."

At a full meeting of the inhabitants of the town at their adjourned meeting, September 12th, the committee appointed to confer with Col. Edson and to demand his resignation reported that the continued absence of Col. Josiah Edson prevented their laying the before-mentioned resolves before the town. Then that body voted as follows:

"Resolved, That Col. Josiah Edson and others have long since, and still continue in a pernicious, treacherous, and deceitful manner, and under pretence of being friends to the Government, to undermine the very foundations of our ancient Constitution by openly opposing at all times men and measures that are endeavoring and designing to frustrate the evil intentions of the British Ministry, working swiftly our ruin, openly and boldly declaring against the subject's right of resistance, using every means in their power to baffle Town-Meetings on political affairs, and many such enormities, have forfeited the love, regard, and confidence of this town, and they are declared enemies, and unfit to be trusted in any office again.

"Resolved and voted, That we will each of us (training soldiers and otherwise) provide ourselves immediately with every military accoutrement, and be ready to start to the assistance of any of our countrymen if needed.

"Resolved, That a Committee of Correspondence be chosen to confer with the other towns in the Province. Accordingly they made choice of Thomas Ames, Edward Mitchell, Richard Perkins, Eleazer Cary, Nathan Mitchell, Nathaniel Reynolds, Simeon Cary, Thomas Hooper, and David Kingman, committee.

"Resolved and voted, That a committee be chosen to consider of the necessity and expediency of speedily providing the town with a large stock of military stores for the defence of themselves, wives, children, and estates, and that they report at the adjournment of this meeting the ways and means most effectual to answer so desirable an intention."

The proceedings of these meetings indicate the patriotic spirit of the town one hundred years and more ago. Col. Edson, whose adherence to the British government was the special cause of this action of the town, was a graduate of Harvard College, and a man distinguished in public affairs. He left his home and family and joined the British about the time of the first-mentioned meeting, and died soon after. He owned the house on Central Square now owned by Mrs. Nahum Washburn. His son owned the old Withington house, and died before the close of the Revolution.

Col. Edward Mitchell, one of the Committee of Correspondence, lived in the East Parish, and was grandson of Experience Mitchell, the Pilgrim, and grandfather of Judge Nahum Mitchell, the historian. Thomas Ames, who was one of the committee, was, we think, the grandfather of the late Oliver Ames, and father of Rev. Sylvanus Ames. David Kingman was grandfather of the late Ezra Kingman, of East Bridgewater, and of the wife of Professor Greenleaf, of Harvard College, and Mrs. Ralph Sanger, of Dover. Simeon Cary, another of the committee, was grandfather of Mrs. John Reed. Eleazer Cary was
secondary sources, I don't pretend to write authoritatively about the gathering of men surrounding Edson’s dwelling in the center of the South Parish and his subsequent flight to Boston. Despite differences among several competent writers, however, a general picture of Colonel’s Edson’s last days in Bridgewater emerges. One late night in the early fall of 1774, an assemblage of local male citizens gathered outside his house to protest Edson’s loyalist leanings, especially manifested by his absolute refusal to resign as one of the mandamus councilors. Depending on the source, this group is described as “some townsmen,” “a group of citizens,” “a mob,” or “a large number of his [Edson’s] acquaintances, many of them young men.”

Writing in 1892, Cushman, whose article I have cited often, avers the intention of those surrounding the house was to arrest Edson and take “him before the Committee of Safety,” an assertion made by two other secondary accounts. I know little about this committee, but the inspiration for its formation might have come from the October 7 session of the Provincial House of Representatives. In defiance of Governor Gage this lower house of the General Court “constituted itself a Provincial Congress and named John Hancock to head a Committee of Safety empowered to call out the militia.” If those milling around Edson’s house acted in a “tumultuous manner,” as Cushman article contends, it did not compare, I suspect, with the intensity of the scene in nearby Taunton where “500 persons,” many of whom were carrying “clubs,” gathered on the Green across from the home of Daniel Leonard, only to discover the target of their scorn had gone to Boston. At this point, I have no documents to confirm the specificity of Edson’s comments, cited verbatim by Cushman, to those whose “noise” awakened him that fall evening. It can be assumed, nevertheless, Edson defended his right to remain loyal to the crown and chastised his challengers for acting inconsistently, claiming the liberty to express their opinions while at the same time denying him the same privilege. It would interesting to know if Justice Edson, who evidently was willing to appear before the town’s Committee of Safety, asked on what legal basis the threat of arrest was being made. He could hardly have been charged with treason against his country since war with Britain had not yet started and the Declaration of Independence announcing the birth of a new nation was still almost two years away. Owing to the persuasiveness of Edson’s argument and/or the “previous respect and esteem” in which he had been held by many in the gathering, the confrontation ended peacefully as the protesters returned to their homes. This was not the last time, however, he would face a threatening crowd.

A few weeks after this harrowing experience, Justice Edson, having “completed his arrangement for joining the British in Boston,” rode away on horseback from his home in the village of Bridgewater’s

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South Parish and “never returned.” His last memory of Old Bridgewater was not a pleasant one. As he neared the bridge between the South and West precincts, somewhere between one and two hundred men, “many of whom were armed,” had lined up on each side of the bridge, with the intention of impeding his journey and arresting him for his Tory leanings. Supposedly displaying no fear, he slowly “walked his horse through the men” and proceeded to admonished them in “in his usual complaisant and dignified manner…..” Not only repeating what he had said previously to those assembling around his house concerning his right to express and act upon his political views, he reportedly continued, according to Cushman: “I am as much the friend of your rights and liberties as you are yourselves, but you are engaged in an unfortunate cause and must be defeated. You will repent of your conduct.” Having said this, Edson passed without incident between the two lines of his fellow townsmen gathered on the bridge. The probability of never again seeing his family, fellow parishioners, neighbors, and even the familiar faces among those who sought to prevent his departure on that fall Sunday morning soon outweighed, I suspect, any immediate relief he felt at being allowed to continue his journey to the Provincial capital without further hindrance. As he made his way to Boston on that day of worship, we can only speculate whether Edson had any misgivings about the costly choice he had made to remain loyal to England.\(^\text{149}\)

Anyone writing a full biography of Justice Josiah Edson would need to devote the final chapter to the four years between his arrival in Boston in the fall of 1774 and his death on Long Island, New York, in his seventieth year. I can present only a few highlights of these years, but more extensive research, I believe, could piece together a fuller story of the sad and lonely existence Justice Edson endured while in exile. To be bereft at the age of sixty-five of all the familiar threads woven into the pattern of his life is hard to imagine. Unlike some loyalists, including Leonard from Taunton and Governor Hutchinson, who at least had the benefits and joys of being accompanied in exile by family members, Edson arrived alone in Boston and would never again see his third wife Abigail and son Josiah.\(^\text{150}\)

During his stay with the British army in Boston, he most likely soon heard, in the words of a later writer, that “his estate and effects were… seized” by the Town of Bridgewater “and every possible method… taken effectually to ruin his interest and harass and distress his family.” Lending credence to this piece of news is the fact that Edson, who had acquired both “fortune” and “honorable distinction…in an eminent degree,” was quickly “reduced to poverty” and “obliged to appeal to General Gage for support…;” the loyal Edson was granted one hundred pounds. British grip on Boston began to weaken in early March of 1776, when Americans gained control of the city’s harbor. Edson’s stay in that city came to end on March 17, 1776, when he was among 1,000 loyalists who joined 2,400 British troops under the command general Sir William Howe in sailing to Halifax, Nova Scotia. Unlike other mandamus councilors who had remained loyal to the crown and were on the list of those leaving Boston

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\(^{150}\) Jones, The Loyalists of Massachusetts, pp. 127-128, 171-172, 191-194; Cushman, “Col. Josiah Edson,” BI, Feb. 6,
for Halifax, Edson was not accompanied by either a friend or family member. Most likely he heard the news of *The Declaration of Independence* during his six-month sojourn in Halifax. There is considerable merit in Cushman’s assertion that at the time of Edson’s flight to Boston in the fall of 1774, the matter of American independence “had not been discussed as a question seriously proposed….” In fact, some historians would argue Thomas Paine’s pamphlet *Common Sense*, published in January of 1776, was the first unreserved call for complete independence from Great Britain. But it would be interesting to know on what documentary evidence Cushman based his following speculation: “…it is more than probable that after the 4th of July, 1776, he (Edson) would cordially have supported that important measure.” In the latter part of August, Edson, apparently had little choice but to move to Long Island, New York, where General Howe, with an army of 20,000, decided to set up a new base, after driving the American Army from the island and occupying New York City, which served as the British headquarters for the remainder of the war.\(^{151}\)

Despite spending his last few years in the relative safety of British-controlled Long Island, Edson’s daily existence as “a lonely and broken exile” could not have been happy. Whatever his living quarters, they hardly provided the comforting ambience of what had been his home for over four decades in Bridgewater’s South Parish. Having been a member of the Honourable Artillery Company of Massachusetts since 1747 and later holding a commission as colonel in the Third Regiment of Plymouth County Militia, Edson might have been of some service to the British Army under General Howe, who, like his predecessor General Gage, granted Bridgewater’s exile one hundred pounds to defray his living expenses. This was a considerate gesture, but might have embarrassed its recipient, given the considerable worth of the estate he once owned. However he was informed, I assume Edson knew about the Banishment Act of September 1778 by which he, along with 307 other loyalists, was forbidden to return to the state.\(^{152}\)

There remain some questions about the date and location of Edson’s death and confiscation of his Bridgewater property. Depending on the particular author, he is cited as dying sometime between 1778 and 1781 in Long Island or New York City, with December 26, 1778, being most frequently mentioned. E. Alfred Jones in his 1930 study of Massachusetts loyalists seemed to contradict this latter date when he wrote: “In a letter dated from New York, March 9, 1779, to Chief Justice Peter Oliver (a “fanatical Tory” who graduated from Harvard in the same year as Edson and became the Chief Justice of Massachusetts in 1772), enclosing a memorial, Josiah Edson says that he has but one son, who lived on his farm, which he was obliged to hire with the stock for three years by the town committee, who in 1778


took it from him, sold the personal estate and leased out the real property to others, except one-third allowed to his (Josiah’s wife).” Jones ended his piece on Edson by averring: “He died in New York in 1779 or 1780.” It is possible, of course, that this letter did not nor reach Oliver until after Edson’s death. Thanks to the research of James H. Stark and Claude Halstead Van Tyne we know that Josiah Edson’s estate was listed under the Confiscation Act passed by the General Court on April 30, 1779, the purpose of which “to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late province, now state, of Massachusetts Bay.” If Edson was still living at this point, he, along with his wife Abigail and son Josiah, must have been saddened to read the wording of this legislation. (The subsequent history of what became known as Tory House, beginning with its acquisition by Major Isaac Lazell, tells us much about Bridgewater’s past from the late 1770’s to the early twenty-first century.)

A Note to my Readers

My original intent in this essay was to discuss law and order from the incorporation of Bridgewater in 1656 to its division into four separate towns in the 1820’s, placing particular emphasis on the South Parish/Precinct, established in 1716, since this part of Old Bridgewater was destined to become present-day Bridgewater. When it became apparent to me, however, how little has been written about crime and punishment during the town’s colonial years, I decided to end this section of my historical account in the middle 1770’s, allowing me to write more extensively about the original town’s efforts to promote and maintain peace and order based upon shared communal values. As of now, I plan to continue research and writing about law and order in Bridgewater from the end of the American Revolution to the 1920’s. Only time will tell if one or two essays will be required to tell this story adequately.

Law and Order
In
Colonial
Bridgewater, Massachusetts
A Selective Chronology
(We are speaking of what became known as Old Bridgewater, not today's Bridgewater.)

1620 Plymouth Colony was established.
1623 The first law in Plymouth Colony to refer to a trial by a jury of twelve men was enacted.
1636 The preamble of the first code of laws in Plymouth Colony declared the colonist had the “rights and liberties of Englishmen” and included a “rudimentary bill of rights.”
1638 Representative government was established in Plymouth Colony, allowing its towns to send deputies to the General Court, the colony’s legislative and judicial body.
1650 The General Court passed legislation against slandering a church minister and profaning the Sabbath.
1651 The first church was organized in that part of Old Bridgewater that became the Town of West Bridgewater in 1822.
1656 The Town of Bridgewater was incorporated on June 3.
1656-1686 Bridgewater was subject to the criminal codes passed by the General Court of Plymouth Colony.
1656 John Cary was elected the first constable of Bridgewater. He has the distinction of being “the first officer” of the town.
1656 The first town meeting set fines for not attending and being late at town meetings. Not responding when your name was called and leaving before the meeting was ended were also subject to fines.
1657-1681 John Willis served as Bridgewater’s deputy (representative) to the General Court of Plymouth Colony.
1657-1681 John Cary served as the town clerk of Bridgewater.
1658 A second code of laws was compiled in Plymouth Colony one year after Bridgewater was incorporated.
1661 The first meetinghouse was built of logs in what became West Bridgewater in 1822.
1664-1719 The Reverend James Keith served as the minister of Bridgewater’s First Parish Church.
1670 Bridgewater, with the approval of the General Court at Plymouth, granted John Howard a license “to keep an ordinary or tavern, the first public house opened in the town.” This establishment was run by his descendants until 1821, seventeen years before it was torn down.
1671 The town meeting approved the building of a new meetinghouse.
The General Court adopted a third code of laws for Plymouth Colony, revealing a trend toward relying more upon written law to clarify what was acceptable human behavior rather than on the judgment of magistrates.

The so-called King Philip’s War began.

Rev. James Keith’s compassionate plea was instrumental in persuading the civil authorities to spare the lives of King Philip’s wife and young son. They were later sold into slavery.

The General Court approved the fourth and final compilation of laws for Plymouth Colony. While unforeseen events prevented its implementation, this new Book of Laws tells us a great deal about Plymouth Colony’s views on criminal behavior and societal standards.

Plymouth Colony established the three counties of Barnstable, Bristol, and Plymouth, placing Bridgewater in the latter. Each county was to have a sheriff and a court dealing with criminal matters.

Plymouth, including Bridgewater, became part of the Dominion of New England, an abortive attempt by England to consolidate control of her American colonies. It was headed by the Edmond Andros, the royally appointed governor.

Plymouth Colony, including Bridgewater, became part of the Province of Massachusetts Bay and would remain so until the coming of the American Revolution. Bridgewater became subject to the criminal justice system established by the charter of this province.

The last official meeting of the General Court of Plymouth colony was held on June 8.

John Haywood became the first Bridgewater citizen to be appointed a Justice of the Peace.

A system of Courts of General Sessions of the Peace was approved. Each county in the Province had one of these courts which dealt with criminal cases. For seventy-five years, Bridgewater citizens accused of a variety of offenses could be tried in one of these courts located in Plymouth, the shire town of the county. Cases could be appealed to the Province’s Superior Court.

During this time, the Province’s judicial system, including courts, justices of the peace, and sheriffs, were joined by town constables and churches, mostly Congregational, in efforts to maintain law and order.

Josiah Edson was born on January 24. He was the first Harvard graduate from the South Parish.

The South Parish/Precinct of Bridgewater was established. In the early 1820’s, it would become the present-day Town of Bridgewater.

Rev. James Keith, two years before his death, preached at the dedication service of the newly built meetinghouse of the South Parish. He warned against the widespread abuse of alcohol.

The parish/precincts of East, North, and West Bridgewater and Titicut were established. Congregational churches in each of them tried to maintain religious and social behavior in line with New England’s Puritan heritage.

The Congregation Church in the South Parish was enlarged. Its pastor John Shaw was in the tenth year of what would prove to be a ministry of sixty years. During this time, he and the
deacons of the church joined town officials, including constables and tithingmen, not only in keeping the peace, but also in promoting righteous living. Rev. Shaw also contributed to his quest by training boys for college and the ministry at his home. This dwelling at 15 Plymouth Street was demolished in the early 1900’s to make room for what is now known at the Flora and Walter Little Home.

1748 The first Trinity Episcopal (Anglican) Church in Bridgewater was built on land given by Samuel Edson.

1754-1763 Bridgewater took part in the French and Indian War or what historian Lawrence Gipson aptly called “The Great War for Empire.” England’s victory over France in this struggle, sealed by the Treaty of Paris of 1763, meant that the communities of the Province of Massachusetts, including Bridgewater, would remain under British control.

1760 A new Congregational meetinghouse was built in Bridgewater’s South Parish. As in the case of previous meetinghouses, hearings on unacceptable behavior were held here on Sunday mornings.

1761-1774 Along with other towns in the Province, Bridgewater was caught up in the many disputes between England and her American colonies. Much of the trouble stemmed from the mother country’s efforts to tax the colonists as a way of helping pay the costs of administering her North American empire; hence the cry of “no taxation without representation.” In a broader sense, it was a question of whether Britain had ultimate political power or sovereignty over the colonies. The Coercive Acts of 1774 brought this issue to a head.

1764 Bridgewater’s population was almost 4,000, with the South and Titicut parishes accounting for around 1,300 of this total.

1774 The last session of the Provincial Court of General Sessions of the Peace at Plymouth was held in July, with Josiah Edson as one of the presiding justices.

1774 The Massachusetts Provincial General Court “resolved itself into the first Provincial Congress on October 7.”

1774 In the fall, Josiah Edson left the South Parish of Bridgewater for Boston, where he sought refuge with the British garrison.

1775 The American Revolution began in Lexington and Concord, Massachusetts, in April.

1776 The Declaration of Independence was approved by the Second Continental Congress on July 4.

1778 December 26 is the most often cited date of Josiah Edson’s death on Long island or in New York City.

For a more comprehensive listings of events in the history of colonial Bridgewater see pages 34 to 37 in History Highlights: Bridgewater, Massachusetts, edited by Katherine M. Doherty.
About the Author

Benjamin A. Spence, a native of Fall River, Massachusetts, a city about twenty miles south of Bridgewater, began his education in the public schools of that community. He attended Bridgewater State College between 1955 and 1959, earning his undergraduate degree in secondary education and history. After teaching social studies at the junior-senior high school level in Somerset, Massachusetts, for two years, he went on to receive his MS, 1962, and PhD, 1971, in history from the University of Wisconsin. Almost all of Dr. Spence’s teaching career was spent at Bridgewater State. Following his retirement in 1995, he began to do historical research on the Town of Bridgewater, concentrating mainly on the first quarter of the twentieth century, a period of American history in which he specialized.