

# **An Attempt to Have a Law Enacted by the General Court in Boston to Allow Heirs to Inherit Property Previously Dedicated to the Shakers**

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In a collection of archival material preserved by the Commonwealth of Massachusetts are a number of petitions, letters of remonstrance, and testimonies that tell of the long-forgotten struggle to have an act passed by the General Court that would allow heirs to inherit property previously dedicated to the Shakers. These documents remind the reader that until 1820, Maine was part of Massachusetts, for the appeal was made not to Augusta but to the General Court, the Massachusetts legislature in Boston.

In May 1817, 197 citizens of York County petitioned the General Court on behalf of non-Shakers whose relatives had joined the society at Alfred and “in other parts of the Destrict of Maine” (Gorham and New Gloucester) and “so united all their property both Real & personal estate” according to the Shaker constitution (covenant). After the decease of these relatives, “the heirs without have been wholly Deprived of their Legal right, as heirs to their Fathers property estate some of which are really poor having left the society for Conscience sake.” Such heirs had repeatedly asked for what the petitioners considered their just share of what they are entitled to, but such requests had been denied by the Shakers. As a result, concerned citizens of York county “pray that your Honors would take it in your Wise Consideration and that an act, may be passed Simelar to that in the state of Connecticut that all their heirs without, or not belonging to said Society May not be deprived of their Just proportion of the estates of their Deceased parents or relations that have deceased among the People called Shakers, on account of any of their Covenant agreements or articles of Constitution.” Moreover, the petitioners stated that they would accept any act “in such a manner as you in your wisdom may think fit that what we Consider so great an evil may be remided [remedied].”

The signers of the petition were neighbors of the Shakers, the relatives of such neighbors, people who had business dealings with the society, local civic leaders, and those who had family members among the Believers. Although it is not possible or useful to discuss every petitioner, a few words about some of them will be sufficient to indicate the close family connections that they had. Given subsequent Shaker history, two of the most notable

petitioners were Timothy Ricker Sr. (1761-1837) and his son Timothy Ricker Jr. (1793-1838) of Waterboro, Maine.<sup>1</sup> Timothy Ricker Sr. was the oldest child of Jabez Ricker (1741-1827) who in 1793 had exchanged his property in Alfred for the property of Eliphaz Ring (1768-1854) of Poland, Maine. The Poland, Maine, descendants of Jabez Ricker would eventually develop the Poland Spring Hotel, mineral spring, and bottling works. Jabez's grandson Hiram Ricker (1809-1893) and his sons maintained a close relationship with the Sabbathday Lake Shakers, in contrast to Jabez's grandson Timothy Jr. Mary Ann Hill (1799-1877) was Timothy's wife, and her relatives—possibly uncles or brothers Moses Hill, Joseph Hill, and John Hill—all signed the anti-Shaker petition. Furthermore, the mother of petition-signer Benjamin Ricker Hamilton (1795-1878) was Elizabeth Ricker whose uncle or first cousin, both named Phineas Ricker, also signed. Another intriguing character was Stephen Sanborn (1773-1860), whose name was used various various times in reference to the petition by Massachusetts officials and some of the Shakers. Like the Rickers, Sanborn lived in the town of Waterboro, directly northeast of Alfred. In 1810, however, he had lived in Enfield, New Hampshire, where he certainly knew of the Shaker community in that town. His wife's maiden name was Mary Sanborn, Sanborn being a prominent name among early Enfield Shakers. Mary Sanborn (1772-1862) had a sister named Sarah Thing (1775-1856) who was married to petitioner William Thing (1774-1850) of Waterboro. Their son Gilman Thing (b. 1800) also signed. William's father was almost certainly signer Nathaniel Thing Sr. (1775-1856) along with the names of his son and grandson, Nathaniel Thing Jr. (1773-1844), and Samuel Thing (1797-1870). Furthermore, Nathaniel Jr.'s wife was Sarah Bagley (1772-1838), very likely the sister of petition-signer Orlando Bagley (1790-1832). Well-known signers were Colonel Nathaniel Hobbs (1768-1850) of Berwick and his cousin the Reverend Henry Hobbs (1768-1848); they shared the same grandfather, Thomas Hobbs (1695- 1777). Not only did James Barnes (b. ca. 1760), Jacob Emery (1777-1849) and Joseph Pike sign affidavits before York Justice of the Peace Reverend Henry Hobbs in 1817 for use against the Alfred Shakers, they signed the petition as well. Five other men with the surname Pike or Emery can also be found on the document, including Dennis Emery (b. 1863) who may have been a brother, and though the connection has been lost, he was related to six Alfred Shakers who remained faithful their whole lives. Jacob Emery, moreover, was married to Nancy Jellison and thus related to signers James Jellison (b. 1780), Aaron Jellison (1779-1846), and Jedediah Jellison. In addition to being either closely related or near neighbors, a common thread among them was a dislike of the Shakers, indicating that the open hostility of forty

years previous still festered in the vicinity of Alfred Shaker village.

It should be noted that with one exception, the signers of the petition were not seeking any inheritances for themselves. Though the group was acting in general on behalf of all disinherited heirs, the plight of James Barnes was their primary focus, and his name appears last on the petition. The Barnes family was an important and prominent family in the Alfred Shaker society. James Barnes was not some obscure figure seeking to gain a small inheritance. If the petition had succeeded and James Barnes received a share of the property dedicated to the Shakers by his father Benjamin Barnes (1727-1815), this would have been very disruptive to the Alfred community since the Barnes land formed the core of the Shaker village. Even an equivalent donation of property to him would have been expensive and set the bad precedence of implying that the Shaker covenant was not legally binding. Before continuing, therefore, it is necessary to speak of the Barnes family in greater detail. They literally were the foundation family of Shakerism at Alfred.

“Around midnight, June 1st, 1783, John and Sarah Barnes were abruptly awakened and frightened by the sounds of shouting and pounding on their door. The voice of their friend, John Cotton (1760-1847), was repeating the words, “I bring you tidings of great joy!” And so the Shaker Gospel arrived in the town of Alfred.”<sup>2</sup> John Cotton had been a New Light Baptist and intended to move to Vermont. On his journey there, he encountered fellow New Light James Jewett (1746-1825) who had converted to Shakerism. Cotton also became a Shaker and instead of going on to Vermont, he returned to Alfred and called upon his New Light friends John Barnes (1755-1832) and Sarah Barnes (1759-1851). They also became Shakers and, in turn, other members of the Barnes family followed them into the faith. The family homestead was the property of Benjamin Barnes and his wife(?) Mary Barnes (1736-1810). Their house was located at what later became the Sisters’ Shop of the Second Family, and it was the early headquarters of the Alfred Shakers. This was the geographical heart of the 2,400 acres of Shaker holdings. Benjamin’s farm “extended from Massabesic Lake to Bunganut Pond” and was one of the first pieces of property dedicated to the Shakers after the society was gathered at Alfred in 1793.<sup>3</sup> In addition to his son John and daughter-in-law Sarah, Benjamin’s son David Barnes (1759-1825) and his wife Joanna (1760-1850) also became Shakers as did Benjamin’s grandchildren Anna Barnes (1772-1827), Mary Barnes (1775-1807), Daniel Barnes (1778-1826), and Rachel Barnes (1780-1820). All died in the faith. Betty Barnes (1766-1850) embraced Shakerism and lived at Alfred as well as New Gloucester. She may have been the daughter of Benjamin Barnes and thus the sister

of James Barnes. This is an impressive roster of converts from the same family, but it is typical of the era. There may have been other children of Benjamin Barnes who never came into the faith or eventually left after a short time, but they are not of concern. The only other child of Benjamin Barnes that must be considered is James Barnes.

James Barnes joined the Shakers at the time of his father's conversion, but left. He states that he joined in 1800, but one of the documents implies that this was the second time. Before his father died in 1815, James left the community again. He claimed that his father Benjamin Barnes had once promised him that although he was no longer a Shaker, he should get some land. After Benjamin's death, James sought what he thought was his fair share. James stated that "John Barnes my older brother (then Bishop of said society) promised my father that I would have my full proportion of said estate adding that I ought to have as much as he and David Barnes both (as my father told me) as they had both been to learn a trade six years, and that I had lived with my father and helped earn the interest." James continued, "Father often requested them to pay to me what they had promised him they would but after father signed the Covenant they refused to give me anything." His brothers, moreover, refused him entry to the Shaker village and would not discuss details of his father's estate. One of his brothers was the formidable Father John Barnes (1755-1832) of the Alfred Ministry. His brother David Barnes was first elder of the Church Family.

The financial situation of James Barnes was apparently quite dire since after he joined the Shakers, though he had not signed the covenant, he had given his property in nearby Waterboro to the Shakers. He said that they had promised him land in Alfred. Apparently, the Shakers sold the land for \$1,200. After he left the community, the Shakers did not give him either the money or any land. His brother John said, "I might sign their Covenant or go to Hell by which means I am reduced to poverty and wretchedness with a wife and family and unable to administer to their necessities." James also mentioned that there were others that shared his situation: Ara Cushman (1784-1863), Nathaniel Freeman (b. 1769), and Samuel Freeman (1772- 1842). One of these men was away at sea and another lived at a distance so it was not possible to get dispositions from them. Thus the testimony of James Barnes was the only one from an actual heir, and he swore to its veracity before York Justice of the Peace the Reverend Henry Hobbs on December 15, 1817. If dispositions from Cushman and the Freeman brothers had been obtained, they would have been similar in content to that of James Barnes.

Ara aka “Ary” Cushman’s father, Thomas Cushman (1758-1816), had been head of one of the first families to convert to Shakerism at New Gloucester. Ara’s mother was Ruth Ring (1765-1828), almost certainly the sister of Eliphaz Ring who had switched his land in Poland with the Ricker family. Ara had stayed a Shaker until 1814. He married in 1817 and had five children and lived the remainder of his life in Minot, Maine.<sup>4</sup> His parents and his only sibling, Israel Cushman (1785-1845), were faithful Shakers.

Nathaniel and Samuel Freeman’s grandmother Bethiah Freeman (1713-1795) had been “the oldest person that believed at Alfred” when the Gospel first opened.<sup>5</sup> Furthermore, their father Nathan Freeman (1744-1802), their step-mother Lydia Freeman (1748-1826), and sister Elizabeth “Betty” Freeman (1773-1820) were Shakers. In addition to them, all of their half-siblings, Hannah “Lovey” Freeman (1776-1852), Ebenezer Freeman (1780-1863), and John Freeman (1782-1852) also stayed faithful until death. In fact John Freeman Jr. was first deacon of Alfred’s Church Family. In his capacity as a trustee, he held all the deeds of the family and exercised a great deal of financial power.

It may seem after reading the disposition of James Barnes that he had been cheated or unfairly taken advantage of; however, a closer look at the situation shows the situation to be more complex. By Shaker custom, after being informed of the conditions of membership, a person could voluntarily turn over property to the society, and this was deemed by the Shaker Church Covenant as an irrevocable act. Though, in theory, this might seem somewhat draconian, the reality was that no one was immediately expected to turn over their property to the community and only after living as a Believer for a sufficient time to become fully aware of the rules and regulations was a person allowed to take this step. Shaker deeds, moreover, indicate that sometimes it was as much as twenty years before such property dedications were made. For example, Father Joseph Meacham’s brother David Meacham (1743-1826), may have become a Shaker in 1780, but it was not until 1800 that he deeded the remaining half of his farm in Enfield, Connecticut, to the Shakers. That one-hundredacre parcel was a major part of the Church Family and already being used by the Shakers; it also contained the burying ground for the community. Stalwart David Meacham took his time and retained a portion of his land, even after he moved to New Lebanon in 1787. This was not atypical.<sup>6</sup>

By his own admission, Barnes admitted that he gave the Shakers his land although he had not signed the covenant. At the time he joined, there was no Gathering Order at Alfred and covenantal arrangements were fairly fluid. As he grew in faith, he could have kept his land for years as

other young Believers did. No doubt, however, his strong-willed brother John and his brother David pressured him. If James is to be believed, his father welcomed his embrace of Shakerism and assured him with promises he no longer had the legal right to make. It appears that James had not thought enough about the possible implications for him or his family of hastily and unnecessarily dedicating his property to the Shakers. Though not connected to them legally, he had in effect given them his possessions. This was very bad judgment on his part. Though he had not signed the covenant, it does not seem possible that James Barnes would not have been familiar with the terms of the covenant and the general attitude the Shakers had about the free dedication of time, money, and property though during the 1790s, even though the specifics of dedication of property had not been articulated in detail in the covenant. The 1794 version of the covenant at New Gloucester, for example, simply stated, "All should be received as members; being of age that had any substance or property; that was free from debt or any just demands of any; that were without; either as creditors or heirs were allowed to bring in their substance being their natural and lawful right; and give it as part of the Joint Interest of the Church; agreeable to their own faith and desire." This indicates that a convert was not forced to give up property, but was to take this step only according to faith and desire. By the time James Barnes donated his property, the 1794 covenant had been amended in 1801 to include the words, "And whereas we find by experience and travail ... that further provisions ought to be made for the further supporting and maintaining the joint union and interest of the Church: and that each member receive a full information and understanding of the order and Covenant ... we do by these presents solemnly covenant with each other; for ourselves, and assigns, and heirs, never hereafter to bring debt or demand ... on account of any services or property that was devoted and consecrated to the sacred and charitable uses."<sup>7</sup> James would have received "full information" that guaranteed his "understanding" of what was expected. If James had sought to get his property back, he may have had a strong case before the law because he had not signed the covenant, and legally he still had an option to bring a lawsuit to demand a return of his assets. Instead of doing this, however, he wanted to get a share of his father's property, which had been dedicated to the Shakers almost twenty-five years before 1817. This was a tenuous claim at best.

To avoid situations similar to that of James Barnes, the Shakers made a major revision of the Church covenant in 1814. Although the 1814 covenant quoted here is from the Harvard, Massachusetts society, it is the revision as written by the Ministry at New Lebanon and copied by all

of the communities. The covenant states, "Although it has been our faith from the beginning that to be united in a joint interest ... yet we know and testify that this important relation cannot be immediately entered into by any; but must be attained by a preparatory work, which necessarily requires some time to be accomplished." After settling debts and righting wrongs, the new Shakers stand apart and "make their own bargains, settle their own accounts, and dispose of their own property for their own personal ends and purposes." The process required "the utmost caution and deliberation." To this end, "previous to making a final dedication of themselves, or their property, believers have a privilege to prove their faith and love, by coming into a family relation, which may be dissolved at any time without damage." While a member of a Shaker family, each prospective Shaker dedicated his/her time and service and the use of his/her property although "the property itself cannot be dedicated; but an inventory thereof being taken, the family stands jointly accountable for the property of each individual members, whenever he or she shall call for it; which any one may do at any time, and taking it whole as it was, may depart; but can never bring any debt, damage or blame against the family or Society; nor against any member thereof, on account of service or use of property." Finally, "When sufficient trial and proof have been made... and the way is sufficiently prepared for a full and final dedication, then the members may settle the matter in their own hearts, to make a full sacrifice to God, of themselves and all their property and in doing so, they become a branch of the Church; after which there can be no reasonable grounds for any recantation."<sup>8</sup> Thus by the time the petitioners tried to appeal to the state for relief of heirs, the covenant had developed into a detailed "full disclosure" document. If outsiders, such as the legislators, examined the 1814 covenant they would wonder how anyone could NOT have known what dedicating property to the Shakers meant and why someone not legally connected to them would foolishly hand over valuable assets to them with just oral assurances, and much worse believe oral promises that were contrary to the covenant. Of course, they had the word and oath of James Barnes and others that such promises had been made, but seen from the perspective of 1817, the case of James Barnes would have appeared weak. If a lawyer or legislator had examined earlier covenants regarding the donation of property, it would have been discovered that they implied rather than clearly stated that care had been taken. In any case, however, James Barnes had given away his property not in consequence of signing such a covenant, but because he had been given oral promises that those in charge either did not have the right to make, in the case of his father, or had no intention of fulfilling, in the case of his brothers. Though John and

David Barnes may be chided for their lack of charity toward their brother, James Barnes naively signed away his assets, and, notwithstanding the testimony of his supporters, there was no way to verify that the Shakers had promised him anything for this largesse. it was his word against theirs.

Before turning to the sequence of the documents found in the archives, another matter must be cleared up. The petition states that a law had been passed in Connecticut that prohibited heirs from being excluded by the Shaker covenant. This is incorrect information. No Connecticut statute existed then or later that allowed heirs to claim previously dedicated Shaker property. The Shaker trustees of Alfred, Harvard, and Shirley affirm this when they state that “no such act has ever been passed in that state, or in any other free state.” Even had there been such an act, however, donors always had the opportunity to make provisions for family members who did not join the society or who had withdrawn. Shaker trustees at Hancock and Tyringham made this quite clear when they noted what the custom was when parents believed in the Gospel and their children did not. They said some parents gave all property to their children, “not reserving the least remains to Support themselves thro’ the infirmities of old age; other after Settling all Just demands as aforesaid, have reserved a portion to themselves” which they dedicated to the Shakers. (see item 9 below) Though Shakers cannot have wills since everything is owned in joint interest, before signing the covenant, nothing prevented a property holder from writing a will in such a way that if spouse or children left the society, they would be well-provided for. Since Connecticut was cited by the petitioners, an example from that state can be used to prove the point. Before Enfield, Connecticut, Shaker Zacheus Munsell (1745-1794) died, he provided generously for his Shaker and non-Shaker family in his will. To his wife Hannah Drake Munsell (1746-1831), he left a third of his personal estate and one-third rights to his house, barns, and fifteen acres. To his six children, he left the remainder of the house, barns, land, and personal estate. He also left each of them pieces of land on or near his home farm.<sup>9</sup> His wife and three of his daughters—Agnes, Hannah and Submit (aka Mitta)—were Shakers when he made his will and they remained lifelong Believers; their inherited shares reverted to the society. His three children who were not Shakers—Susannah, Levi, and Zacheus Jr.—sold their portions to the Shakers in 1795 and 1796.<sup>10</sup> Interestingly, Zacheus Sr., also left money to some of the Shakers. His total estate was valued at 424 pounds, 15 shillings and 4 pence. To eight Shakers, ranging in age from eighteen to sixty-seven, he left a total of 78 pounds, 7 shillings and 9 pence or 18 percent of the whole.<sup>11</sup> Six of the eight were females, and he had lived with at least three of these at the South Family. Zacheus



Munsell died before written Shaker covenants but it was around the same time Benjamin Barnes joined the Shakers and gave all his property to them. Barnes could have drawn up a similar document that provided for his wife and children. For his part, James Barnes could also have asked his brothers and father to put their promises in writing before he gave away his property.

The documents quoted in the previous paragraphs are from the manuscripts in the Massachusetts archives. It is helpful to put all of the items in chronological order:

1. May, 1817, one hundred and ninety-seven citizens of York County petitioned the General Court in Boston for an act to be passed to allow heirs to receive property previously dedicated by relatives to the Shakers. Read and committed to the Committee of New Trials by the Senate May 31, 1817 and send down to the House of Representatives for concurrence. The House of Representatives read and concurred on June 2, 1817.
2. Copy of the petition and this order to be published at least thirty days before the first Tuesday of the next session of the present General Court in the *Columbian Centinel* and the *Weekly Visiter*. The *Columbian Centinel* was a Boston newspaper from 1790 until 1840. The *Weekly Visiter* was printed at Kennebunk from 1809 until 1821. "All persons interested" may then appear and "shew cause, (if any they have) why the prayer of said Petition should not be granted." Read and concurred in the Senate on June 7, 1817. Read and accepted in the House of Representatives on June 9, 1817.
3. Testimony of James Barnes explicitly explaining his grievances. He lived in Shapleigh, a town west of Waterboro and northwest of Alfred. Given in solemn oath before York Justice of the Peace Henry Hobbs on December 15, 1817.
4. Testimony of Shapleigh native Jonathan Emery claiming familiarity with the Alfred Shakers and Benjamin Barnes. Emery stated that after Benjamin Barnes had already given up his property to the Shakers, he said that his son James "had as good a right to his property on the Hill meaning the Shaker seat in Alfred as any of his children." John Barnes once told him that "if James Barnes his Brother left them again he should hate him above all flesh and that he should never have anything there & he would try to injure him all he Could." Furthermore John

Barnes stated no one who left the Shakers would have anything if he could help it and if the society could “wrong them out of it.” He said that this was the Gospel. Finally, while Benjamin Barnes was on his deathbed, his son James tried to see him, but was refused. Emery felt that the Shakers feared that his father might give him something or that “what had been done would be undone.” Given in solemn oath before York Justice of the Peace, Henry Hobbs on December 20, 1817.

5. Testimony of Waterboro resident Jacob Emery claiming that James Barnes, after the death of his father Benjamin Barnes, took out a letter of administration of his estate. Such a letter was granted by a probate court when a deceased person left no will. In this case this letter would allow James Barnes to deal with matters relating to his father’s property. Jacob Emery heard the Shakers say that James Barnes should have no part of his father’s estate and that before he would receive anything, they were prepared to expend large amounts of money to do so. They believed that their covenant would prevail. Emery also claimed that at one time he heard “one of the deacons” say that they would give James something were it not for others who would also try to claim an inheritance from the Shakers. Given in solemn oath before York Justice of the Peace Henry Hobbs on December 20, 1817.
6. Testimony of Waterboro resident Joseph Pike claiming knowledge of how the Shakers viewed those who withdrew from the community. He stated, “if they left them they should have Nothing for their Covenant agreements would prevent all persons from obtaining any thing.” Given in solemn oath before York Justice of the Peace Henry Hobbs on December 20, 1817.
7. Remonstrance of the male members of the Church Family, New Gloucester to the General Court on January 2, 1818, against “a petition desiring you to alter the Laws of the Land, Such wise as that all Conveyance of real & personal estate to any family or to individuals of our faith, Shall become null & void at the death of the grantor.” Though not generally interested in meddling in public affairs, the New Gloucester Shakers felt compelled to respond to the “blow aimed at us in particular.” The Shakers had been accustomed to see it as a right that citizens may lawfully dispose of property as they wished to “pious & charitable” uses. This “right to give” they supposed applied to “the trustees of ministerial funds, Bible and Tract Societies, Hospitals, Missionary Societies, & others.” Since they could not imagine the

legislature taking away such rights from these groups, the Shakers felt that the intent of the proposal was only for them. Rather than answer base charges from people who knew little about them, they directed the legislators to look at how the Shakers have acted by their industry, sobriety and integrity. Also if they were so corrupt, no law would be necessary since they would come to ruin on their own. To the signatures of the Shakers, seven non-Shakers added their names since they were “acquainted with most of the persons whose names are Signed to the within memorial, and Consider them as men of good character, to whose Statement we Should not hesitate to give credit.” Committed to the Committee by the House of Representatives and sent up for concurrence on January 15, 1818. Read and concurred in the Senate on January 20, 1818.

8. Response of the Shaker trustees of the Alfred, Harvard, and Shirley Shakers to the House of Representatives of the General Court in Boston. The trustees of these three Massachusetts Shaker societies expressed “regret and astonishment” at the petition and stated that the right of an individual to dispose of property was not “peculiar to them.” Indeed, “All owners of property may dispose of it without fraud.” If a person donated property and later no longer was connected to that group, they had given up their right to that property. The trustees claimed that “every fund for pious and charitable uses” operated under the same principle. Moreover, they felt it was “essential to liberty that a man should dispose of property as he pleases.” They pointed out that people join the Shakers voluntarily, and if coercion or any force was used to make them dedicate their property such agreements would be void. The trustees also challenged the petitioners to show them a person who left them, even one who had harmed them, who left in distressful circumstances. These people always had their “pity and charity.” If the legislators passed a law based on the petition, it would destroy the right of conscience in the same Constitution that protected all groups no matter how small or how peculiar their way of worship may seem. As noted, they also affirmed that no Connecticut statute existed that allowed heirs to gain Shaker property. They ended their remonstrance by offering to meet with the petitioners or any counsel they had. Read and remitted to Committee by the House of Representatives on January 16, 1818. Sent up to the Senate and read and concurred on the same date.

9. Response of the Shaker trustees of Hancock and Tyringham, Massachusetts on January 7, 1818. They saw the proposal by the petitioners to be an attack on the liberty of conscience guaranteed by the constitutions of Massachusetts and the United States. They offered two examples from the Old and New Testament to show that the Shakers were following Biblical tradition. As noted they explained how a believing parent could leave property to non-believing children or not. Furthermore they could not understand why the Shakers should be singled out when the practice of leaving property to colleges and academies was widely established. They said that any act that deprived them of their freedom in this matter would be “a real act of persecution.” Very shrewdly they also mentioned that unlike everyone else, their poor were taken care of by themselves and not put on the town, and that they paid town taxes and spent their own money on road improvements. Rather than seeing their wealth as something to hoard as a miser would, they contributed to many charitable causes. Finally, their riches had come from “faithful industry” since when the societies were first started, the membership lived mostly at the subsistence level. Read and sent to committee by the House of Representatives and read and concurred by the Senate on January 20, 1818.
10. Testimony of eleven citizens of the Commonwealth of Massachusetts offering their support to the Alfred Shakers. They viewed the petition with “surprise and alarm” having known the Shakers and finding them to be “civil in their deportment, upright in their conduct & strictly honest and punctual in all their dealings.” They felt that those who dedicate their property to the Shakers had a “free and absolute right” to do it. They also pointed out that there are many modes of faith in the gospel and no law that prevents parents from disinheritng their heirs. They declared that the Alfred Shakers “never withheld the property of any after uniting with them thought proper to withdraw his connections; and do further aver from satisfactory information” if it had not been possible to give the person the original property, “a satisfactory equivalent” had been given instead. They closed by stating that they cannot understand why a law should pass “bending” the faith of the Shakers any more than a similar law against free-will Baptists or other sects. Read and sent to committee by the House of Representatives and read and concurred by the Senate on January 20, 1818.

11. The documents had been referred to the Committee of New Trials. This committee reported that after considering the petition “praying for relief from certain covenants & arguments with the people called Shakers... ask leave to Report—That the Petitioners have leave to withdraw their Petition Which is submitted by order of the Committee” on January 22, 1818.

The General Court began its session on January 14, 1818. The remonstrance letters of the Shaker trustees and those who supported them began to be read by the legislature the very next day. Everything was sent to the Committee for New Trials by January 20, 1818, and it apparently took them little time to realize that the petition trying to have a law enacted that would alter the covenant of the Shakers would not be legal or worth the legal entanglements that would ensue should the General Court make a law interfering with a citizen's right to donate assets or disinherit heirs. Just two days later they decided to allow the petitioners be granted leave to withdraw the petition from consideration. The petition, in other words, did not make it past the committee. No acts or resolves in that session or subsequent ones of the General Court dealt with any legislative attempt by statute to invalidate the Shaker covenant to accommodate disinherited heirs from Alfred. After March 15, 1820, the General Court no longer had jurisdiction over matters in the new state of Maine.<sup>12</sup>

### **Addendum:**

Among the documents is a manuscript that at first seems out of place. It discusses a legal judgment involving Thomas Cushman of the Alfred Shakers. Though it is in the archives, there is no evidence or notation that it was brought before the General Court. The case had been a dispute between Cushman and James Barrans of Waterboro. Apparently Barrans had demanded that Cushman pay him \$100 for nine months wages for two boys. Barrans and Cushman agreed to abide by the decision of a group of three men acting as referees who would present the case as soon as it could be brought before a court of common pleas in York County. One of the referees, John Law was likely related to 1817 petition signers Thomas Law (1752-1838) and Daniel Law. Another one of them, Tobias Lord shared the same surname with petition signers Andrew, Simon and Abraham Lord. After listening to evidence from both sides, it was decided that Thomas Cushman legally held half the house belonging to James Barrans in common with non-Shaker Ebenezer Buzzell (1778-1807). The house was on Cushman's land. It is inferred that Cushman did not want to pay the laborers since the house was leased by Barrans. On April 4, 1806,

the court decided that Cushman had to pay Barrans eighty dollars in two installments. When the money was paid, then Barrans had to give up the lease to Cushman.

A number of explanations for the presence of this document come to mind. First, the name James Barrans and the names James Barnes are so similar and both men lived in Waterboro at one point. These facts make it nearly impossible to imagine that they are not the same person. If this is the case, then the manuscript is evidence that James Barnes had a previous encounter with the Shakers over financial matters that needed to be resolved by a court of law. The inclusion of this item in the collection may also have been a supporting document to show how the Shakers tried to defraud their workers. If James Barrans is not James Barnes, the item could have been a miscellaneous piece of evidence that had been collected but never used for Ara Cushman's case against his Shaker father Thomas Cushman. As noted, Ara never gave a disposition against the Shakers for disinheriting him.

Before closing it is of interest to note that in the Shaker manuscript collection of the Western Reserve Historical Society are two documents dealing with the 1817 petition and a Shaker response. The Western Reserve has relatively few items that concern the Alfred Shakers so it might seem quite a coincidence that this collection has a copy of the 1817 petition to the General Court and a copy of the remonstrance by the Alfred, Harvard and Shirley trustees.<sup>13</sup> It really is not surprising, however. From the petition published in the *Columbian Centinel* and the *Weekly Visiter*, the Shakers and others would have made and distributed them among the seven Massachusetts Shaker villages.<sup>14</sup> At least one copy would also have gone to Mother Lucy Wright (1761-1821) and her associates for their perusal. The same is true of the letters of remonstrance by trustees. When items were being collected by later Shakers and sent to the Western Reserve for preservation, the Alfred related documents were included from one of these sources. Finally, along with the two Western Reserve items mentioned, there is an unreadable manuscript dated March, 1818 signed by David Barnes and John Anderson (1751-1829) of Alfred. The last item, dated so close to the case, may contain a reference to the failed petition.

## Notes

1. In documents from the era, the town is spelled Waterborough. and that is how the town was incorporated by the Commonwealth of Massachusetts in 1787. The name was shortened to Waterboro in 1895, and I have used the modern spelling through the article.
2. Brother Arnold [Hadd], "Holy Land: A brief history of The Alfred Shakers," written in conjunction with the exhibit "Simple Gifts: The Alfred Shakers 1783-1931," a commemoration of the 75<sup>th</sup> anniversary of the closing of Alfred held at the Saco Museum, Saco, Maine, 2006.
3. Sister R. Mildred Barker, *Holy Land: A History of the Alfred Shakers* (Sabbathday Lake, Maine: The Shaker Press, 1983), [4].
4. Henry Wyles Cushman, *A Historical and Biographical Genealogy of the Cushmans: The Descendants of Robert Cushman, the Puritan, From the Year 1617-1855*, (Boston: Little, Brown, and Company, 1855), 285.
5. Theodore E. Johnson, comp., "A Complete Register of Deaths Which Have Occurred in the United Society of Believers, Alfred, Maine 1790-1931," *Shaker Quarterly*, Winter, 1961, 176.
6. Grantor David Meacham to Grantees Benjamin Pease and Daniel Wood, September 3, 1800. Deed Book Seven, 527, Town Clerk, Enfield.
7. Brother Arnold Hadd, "Agreeable to Our Understanding: The Shaker Covenant," *Shaker Quarterly*, Nos. 1-4, 1996, 59, 61-2.
8. Ibid. Specifically, within the article by Brother Arnold Hadd, "The Covenant of the Church at Harvard, 1814," 69-70.
9. "Estate of Munsell, Zacheus, Enfield, 1794, No. 2059, East Windsor Probate District," in "Connecticut Wills and Probate Records, 1609-1999," Ancestry.com.
10. Grantor Zacheus Munsell to Grantee Ezekiel Slate of Somers, 16.5 acres, May 20, 1795. Deed Book Six, 186, Town Clerk, Enfield. Grantor Susannah Munsell to Grantee Asa Allen, no acreage given and no date. Deed Book Six, 143. Town Clerk Enfield. Grantor Levi Munsell to Grantee Asa Allen, 9 acres, November 2, 1796. Deed Book Six, 271. Town Clerk, Enfield.
11. "Estate of Munsell."
12. "Consolidated Table of Massachusetts Laws and Resolves 1806-1820 (including those applicable to the District of Maine)," courtesy of [lldc.mainelegislature.org/Open/Meta/MassLaws/Table1806-1820.pdf](http://lldc.mainelegislature.org/Open/Meta/MassLaws/Table1806-1820.pdf)
13. "Land deeds, petitions, indentures, and other legal documents...", Covenants, Laws, and Legal and Land Records, I A-1, Western Reserve Historical Society.
14. New Gloucester, Gorham, Alfred, Harvard, Shirley, Tyningham, and Hancock