

The Commonwealth of Massachusetts vs. the Harvard Shakers

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In the spring of April, 1826, the Commonwealth of Massachusetts concluded court proceedings against Elder John Warner and others of Harvard's Shakers. The trial took place in Worcester and had been continued from the previous fall. As the local newspaper, the *Spy*, reported, "The indictment charged the defendants, John Warner, Caleb Crouch, Pliny Blanchard, Seth Blanchard, Thomas Hammond, Hosea Winchester, John Orsment, and John Orsment, Jr., who are the head men of the Society, with having falsely imprisoned one Seth Babbit, from the year 1823 to the finding of the indictment, and with having, at sundry times during that period, violently assaulted and beaten him."¹

Babbit was himself a member of Harvard's Shaker Society, a deacon and trustee who had held positions of responsibility but who had fallen victim to senile dementia as he aged. Asa Broklebank, Elder of the Shirley Society, testified at the trial, "In 1814, [Babbit] began to fail and grow forgetful, and soon after, transacted some business in such a manner that there was a loss sustained, and considerable uneasiness was created." Shaker records for 1815 state, "Deacon Seth Babbit removed out of the office into the family to live, but held his office of Trusteeship."²

To us today, an incapacitating mental illness would hardly seem to justify the severe misuse of Babbit alleged by the Commonwealth. In the early nineteenth century, however, accurate diagnosis and humane treatment of the mentally ill were in their infancy. Confinement and beating of the deranged were not uncommon practices. Testimony at the trial made it clear that the Shakers were taking care of one of their own in the manner generally accepted at the time. This being the case the question arises, why did the Commonwealth, at Harvard's instigation, bring suit? There was a hidden agenda. Witness after witness, some of whom were disillusioned former Shakers, insinuated into their testimony "evidence" concerning violations of property rights and personal freedoms.

Shakers were no more welcome in 1826 than they had been when Mother Ann first arrived at Harvard's Square House, in the spring of 1781. In August of that year, the following article appeared in the warrant for town meeting: "To hear and consider a petition of a number of Inhabitants of Harvard and see if the Town will, agreeable to said petition, consult and determine on some means to Remove the people called Shaking Quakers

who are collected together in this town.”³

Harvard was not unique in fearing that the presence of Shakers would disturb family and social order, nor was it alone in believing rumors that Mother Ann and her followers were Tories. Acting on accusations that this suspect English woman had caused fire-arms to be hidden at the Square House, the townspeople approved the 1781 warrant article. There were no arms, of course, and Elder James Whittaker made a conciliatory speech to the committee when it arrived with the militia. The Shakers remained despite being warned away again three times the following year. Then, in August of 1782, when visiting Shakers swelled the numbers of the local brothers and sisters, a mob collected at the Square House, bent on driving out the non-resident believers and cruelly beating resident Shakers who accompanied their brethren to the bordering town.

Mother Ann's proselytizing visit to Massachusetts began a mere decade before Babbit's sister, Hannah, was admitted to Harvard's Shaker Society, when it was officially gathered in 1791. Seth joined two years later, bringing with him his daughters, Tabitha and Betty, although his wife did not join until 1801. Though a quarter century had passed by the time of the trial, there were still threats of mob action in Harvard, just as there had been in Mother Ann's time. The following entry appears in the daybook of a Harvard Shaker, Brother Joseph Hammond, and is dated January 17, 1826. "Hartwell and Edmunds of Westford came here today after Betsy Maynard but she would not goe. [sic] They threaten us with a mob." Four days later there is this entry. "Sr. Eunice to the [Church Family] and brot [sic] Betsy Maynard home who was there overnight on a visit. Many of the World think she ought to have her liberty and chuse [sic] for herself." ⁴

Despite such distrust by the world's people, Harvard's Shaker community survived, and the Square House became the place where they cared for their ill, infirm, and elderly. It was here that the brethren confined Babbit in 1823, though he was later isolated in a small space elsewhere. At the trial, Jonathan Clark, who had once been a Shaker and who had lodged in the same room with him at the Square House, testified that Babbit had been chained to the floor beside his bed. Though he could put his feet to the warmth, Clark said, Babbit complained of the chain and turned his stove over, breaking it into pieces, with the result that he was allowed no fire for the rest of the winter.

Further testimony, from Charles Hammond, attested to violent behavior by and towards Babbit. "I was acquainted with Babbit from 1809 till I left [the Shakers] 3 years since. He shook a handspike over my head and threatened to knock me down. He afterwards came into a room where several of us were and threatened to knock us down with a rake.... I saw

him chained as has been described, the day he broke the stove. After, he was removed to ...a building 12 feet by 18 feet square, the part which he occupied being 8 feet by 12 feet.... I often saw him when the air was so offensive that I could not stay in the room. I saw Seth Blanchard have Babbit on the floor beating him severely with a large stick, about the size of a walking stick, in the summer of 1822 or 23."

Before his decline Babbit made many trips in his official capacity. The year prior to being "removed out of the office," he and Grove Blanchard took a three horse team to New Lebanon, where they purchased another horse and loaded a shipment of flour donated to Harvard by Watervliet. He also journeyed in order to deliver goods needed elsewhere. Many of these items were recorded in the Harvard Shaker records under the heading "Donations from the Church to other Believers and also to the world of mankind." For May, 1807, there is an account of articles he carried to New Lebanon, which were to go from there to the Ohio Believers: 12 hammers, 12 brushes, 1 bread knife, 5 pairs cotton sheets, 52 ½ yards; 10 pairs cotton pillow cases, 20 yards; 6 pairs cotton stockings, 6 pairs woolen feeting [sic], 1 ½ yd. muslin, 6 balls thread, \$200 in bank bills.⁵

In addition to years of service, Babbit consecrated personal money, goods, and real property to the Shakers. In 1815, he wrote that "at sundry times" he had given a total of \$500 "to the joint interest of the church of my communion, there to remain and never to be taken out by me nor my heirs and there to be improved for the benefit of said Church forever."⁶ As late as 1820, he gave 49 acres of land, having previously consecrated over 500 acres of farmland and woodlot lying in Harvard and nearby communities.

Such consecrations were in keeping with Shaker practice as clearly stated in their covenants. The Harvard Society's First Covenant was written in 1797 and read, in part, "All that are received as members, being of age, that have any substance or property of their own, being free from any just or lawful claim or demand in their knowledge, may, and have a right to bring it in and consecrate it as part of the joint interest of the church, agreeable to their own faith and desire, to be improved for the use and support of the Church, and any other use that the gospel requires, according to the understanding, discretion, and direction of Aaron Jewett and Seth Babbit, who are appointed as Deacons and to such others as may be appointed to that office as their successors in said church."⁷

Shaker commitment to communal ownership of property alarmed the world's people. Former brother, Jonathan Clark, added fuel to this fire at the trial. Continuing his testimony, he asserted, "[Babbit] often complained bitterly that he had given up all his property to the Shakers, and in return,

they had used him thus. Formerly, I never heard him swear, but lately I heard him say that those who had got his property were a pack of damned rascals.... They are under the government of John Warner, whose orders must be obeyed, whether the person thinks them right or wrong.”

Clark’s testimony reflected not only the world’s concern with property rights, it also underscored its abhorrence of restrictions on the rights of individuals. The Millennial Laws, codified only five years before the trial, were concerned with governance of all facets of the Shakers’ daily and religious lives. These laws, written down and applicable to every Shaker community, reawakened the world’s fears of control and coercion. Were basic freedoms, they asked, being denied brethren and sisters?

Moses Hammond and Josiah Waite, both former Shakers, complained of alleged coercion inherent in the concept of *gifts*. When the presiding judge asked Hammond, “What am I to understand by *gift*?” he replied, “The orders of the elders are called *gifts*.... The members are bound to pay implicit obedience.” Waite testified that the leaders were too severe with Babbitt. Hammond, in his testimony, went further when he stated his belief that Babbitt had become deranged “in consequence of his abuse.” Only Hammond made such an accusation; the prosecution did not claim that Babbitt’s mental state was the result of mistreatment. The Commonwealth’s case was unfounded from the start since Babbitt’s “abuse” at the hands of the Shakers was in keeping with early nineteenth century treatment of the insane

Town officials went to the Shaker Village several times before the trial in order to determine the circumstances of Babbitt’s confinement. On one occasion, a crowd of 300 accompanied them. Jonathan Wetherbee testified, “About the 23d of June last, the Selectmen of Harvard, of which I am one, went to the Shaker’s [sic] village at the request of the inhabitants.... Babbitt was confined as has been described.... I inquired the cause of his confinement, and Pliny Blanchard said he was a dangerous man to be at liberty.... Pliny Blanchard said, if any body thought they could do better by Babbitt than they had done, they were welcome to it.”

The Shakers were Babbitt’s family. At the turn of the century, families bore the responsibility of caring for deranged members. If this proved impossible or if the victim were indigent, he or she was boarded out at the expense of the town. By 1816, with population growing and cities expanding, the Massachusetts legislature recognized that such informal care was becoming inadequate and enacted a statute mandating that almshouses and jails accept lunatics whose behavior threatened the welfare of others. Shocking conditions resulted from this incarceration of the insane with criminals, and reformers began to chronicle their treatment. Typical

was the report about a madman who had been confined in one room for nine years. “He had a wreath of rags around his body, and another round his neck. This was all his clothing. He had no bed, chair, or bench. Two or three rough planks were strowed [sic] around the room; a heap of filthy straw, like the nest of swine, was in the corner.”⁴⁸

Babbitt’s confinement by the Shakers reflected the world’s current practices. No offer was made by Harvard to board Babbitt at town expense. To the contrary, Selectman Jonathan Wetherbee testified that he had proposed Babbitt be boarded for a month with a local family at Shaker expense, during which time his mental state could presumably be ascertained. This the Shakers had declined, “saying that if they had got to take care of him they would do it in their own way, and let the law take its course.”

As reported by the *Worcester Spy*, “The defense was opened by Judge Dana, of Groton, who commenced by citing authorities to show that the right of the relations or friends of deranged persons to confine them and to coerce obedience, where it was necessary, was recognized by law. He held that this was often the only way in which such persons could be controlled, and that such was the case with Babbitt – that he had, by his own voluntary act, when in the possession of his reason, joined himself to the society of Shakers, and thereby subjected himself to their authority.”

Babbitt’s sister, Hannah, was a strong and credible witness for the defense, testifying as follows. “His complaints commenced with a difficulty in his speech, followed by a paralytic shock. This was succeeded by other shocks, and at each successive one, his mind appeared more impaired.... [He] complained very much of a bad feeling in his head, previous to moving to the Square House, and at times, was very wild. He was always kindly used. After he became unwell, I and other females were afraid of him. I feared he would strike me. Before this he was always a civil, well behaved man. [Our] father lost his senses some time prior to his death, when he was advanced in years. ... All Seth Babbitt’s relations were allowed to visit him whenever we pleased, and to afford him any relief we wished. I consider him a dangerous person to be at large, on account of his insanity. He would often want a large fire made in the room in hot weather.... He was jealous of Lewis Sweeting, an acquaintance of his wife when young, but who has not been heard of for forty years... and [he] often expressed fears that he was with her. After his confinement in the small house, it was constantly necessary to dry his bed clothes, and he was made as comfortable as possible. His wife was much afraid of him.”

Two physicians of the world also testified, and both believed Babbitt insane. Dr. Amos Bancroft saw him on Sept. 10, 1825. “The window

was open and there was plenty of air, and he was clean and neat. He appeared to be deranged approaching idiocy. His recollection was mostly gone; did not give correct answers relative to his own family. I have seen some deranged people confined in better places, and some in worse. Saw him again the fore part of this month, and his understanding appeared to be more decayed than before. No person acquainted with insanity could doubt *his* derangement.”

The Shakers were found not guilty of the charges of false imprisonment and violent assault, vindicated by reason of Seth Babbitt’s insanity in an era when confinement, restraint, and even beating of the insane were not criminal offenses. Babbitt died the following autumn, at the age of sixty-nine. The case was closed; but the underlying issues of personal and property rights, which seem to have precipitated the indictment, lingered on.

Notes

All quoted testimony is from the *Worcester Spy*, from the archives of the American Antiquarian Society.

1. Book of Records (1797-1908), HVD 3102. The Trustees of Reservations, Archives and Research Center.
2. Henry S. Nourse, *History of the Town of Harvard, 1732-1893* (Harvard, [Mass.]: Printed for Warren Hapgood, 1894), 259.
3. Three Daybooks kept by Joseph Hammond (1820-1826), HVD 3111. The Trustees of Reservations, Archives and Research Center.
4. Ibid.
5. Harvard Shaker Folio, 1790-1875. American Antiquarian Society.
6. Book of Records (1797-1908), HVD 3102.
7. Gerald N. Grob, *The Mad Among Us: A History of the Care of America’s Mentally Ill* (New York: Free Press, 1994), 44.

Appendix: Selections from Three Daybooks kept by Joseph Hammond (1820-1826), HVD 3111. The Trustees of Reservations, Archives and Research Center.

June 27, 1825

27 Mond—Moderate & fair—Wrought ‘till 1/2 past 10.A.M. at sieve rims & helping Sisters at the wash house—rest of the day at the Chh. upon a Court of enquirey respecting our treatment to Seth Babbitt—The Committe on the affair was the Selectman of the town attended by Esq,r,s Kimbal and Whitney & Aaron Whitney Coroner who was president of the Court we held till dark—near 200 spectators Jona. Clark & Moses W.

Hammond were the only witnesses whose testimony was against us—and this only by reason of prejudice & false coloring, Sophia Harris left our Society this day

June 28, 1825

28 Tuesd—Morning cloudy—middle rainy latter part cleared off—Wrought a little in the morning at sieve rims—then into Town with Pliny & saw Lawyer Hinds ret'd at noon P.M, at sieve rims—P.M, Br, Grove, Pliny & Hosea W—into to town to hear the report of the Committe, who reported that Seth Babbitt had been abused Shamefully & made some proposals to none of which our Committe agreed & so it rests—

July 22, 1825

22 Frid —Fair & very hot & dry —Wrought at haying till 5 P.M, then to see Br, Grove & met Dr, Parker there tarried till about 10 oclock P.M. 3 of the committe of 11 visited Seth this day

September 29, 1825

29 Thursd—Moderate & fair—Wrought Morning a few chores then to the Chh, after adz &c. ret'd & rest of the day till 1/2 past 4 P.M. visiting with our good Ministry who were here—& ret'd with them & took supper & spent the evening in council with the rest of the Brethren who were sued for their keeping while prisoners last summer, when we agreed not to pay it till we were obliged so to do by the Court Jona. C. to Chelmsford with Onions

April 20, 1826

20 Thursd—Warm—fore & latter part fair middle a few sprinkles of rain. Wrought chief of day helping sisters about soap —rest little at timber for sieve rims & visiting with Moses Hayward, 1 or 2 hours, who called here on his return home, bro't Peter Coffin over Jona. C. ret'd from Boston & bro't John Runnels back with his woman to see the Believers—This day went on to Worcester as prisoners & witnesses E.B Caleb, Br. Thomas, the two John Orsments Seth Bl, Hosea W, Nath'l R. & Jemima B. Hannah Babbitt & Polly Blood—(Pliny & True went last Tuesday) and from Shirley Er, John Er, Elisha & Br. Grove & E.B. Asa Boston City