

## The Opening of Galleries at the Massachusetts House of Representatives in 1766

"If this was democracy, it was a democracy that wore its cockade firmly pinned into its periwig."<sup>1</sup>  
– J. R. Pole

"Shall we say, that every individual of the community, old and young, male and female, as well as rich and poor, must consent, expressly, to every act of legislation?"<sup>2</sup>  
– John Adams

When lauded as the first instance of opening the legislative process to public audiences, the Massachusetts House of Representatives galleries have been seen as a direct challenge to the system of compact government, proof that colonial America was democratic. As J. L. Bell comments on his blog "Boston 1775" regarding the 1766 Galleries, "Why, that's practically democratic!"<sup>3</sup> According to Nat Sheidley of the Bostonian Society, today's public tours of the Old State House similarly praise the galleries as the first of its kind, offering the gallery construction as a case study exhibiting democratic tendencies in colonial Massachusetts. William Tudor, a 19th century historian, whose central argument focused on colonial America's resilient dedication to democratic ideals, also offered evidence of the galleries as the "first instance of authorized publicity being given to legislative deliberations"<sup>4</sup> to back up his argument. However appealing it is to imagine our colonial leaders in Massachusetts standing up for certain democratic principles that many Americans believe in today, to use the opening of the galleries at the Massachusetts House of Representatives as evidence of how colonial Americans supported a democratic system of government is simply incorrect.

Interpretations of the galleries as democratic fit into a broader argument that American was a uniquely liberal and democratic society from the offset. Alexis de Tocqueville's *Democracy in America*

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1 J. R. Pole, "Historians and the Problem of Early American Democracy," *The American Historical Review*, 67 (1962): 640.

2 John Adams to James Sullivan, May 26, 1776, in *Works of John Adams*, ed. Charles Francis Adams (Boston: Little & Brown, 1865), 375.

3 J. L. Bell, "I have often wished the dissolution of the present Town House," *Boston 1775* (blog), Monday October 17, 2011, <http://boston1775.blogspot.com/2011/10/i-have-often-wished-dissolution-of.html>.

4 William Tudor, *The life of James Otis, of Massachusetts, containing also, notices of some contemporary characters and events, from the year 1760 to 1775* (Boston: Wells & Lilly, 1823), 253.

(1835), Louis Hartz's *The Liberal Tradition in America* (1955), and Robert E. Brown's *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* argue that colonial America had established democratic ideologies and institutions even before the Revolution.<sup>5</sup> Social and cultural historians of the 1960s and 1970s offered correctives to these "patriotic" historical interpretations by demonstrating how the colonies were neither particularly egalitarian nor democratic.<sup>6</sup> More recently, historians have moved beyond the debate of claiming colonial America as either democratic or un-democratic, by focusing on the grey shades of processes and practices, not just the black and white proclamations of institutions and ideals. Richard Beeman's *The Varieties of Political Experience in Eighteenth-Century America*, in particular, focuses more on the contested developments of democratic politics. It is this neo-Progressive interpretation of America's founding that I have adopted as a basic framework to analyzing the opening of galleries in the Massachusetts House of Representatives in 1766.<sup>7</sup>

The House's order to build galleries was neither a complete break from the traditional English compact theory of mixed government, nor a perfect continuation.<sup>8</sup> By explicitly separating the spaces occupied by the representatives from the represented with a staircase and a wall, the galleries reinforced classical republican promotions of a separate class of wise representatives. The galleries were thus less a means of challenging the mixed government itself, than as a means for colonial leaders to assert political powers within existing theories and contracts.

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5 Alexis de Tocqueville, *Democracy in America* (Chicago: University of Chicago Press, 2002); Louis Hartz, *The Liberal Tradition in America* (Boston: Mariner Books, 1991); Robert E. Brown, *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* (New York: Harper & Row, 1969); Pole, "Historians," 627.

6 Pole, "Historians," 627. In "Historians," Pole offers several examples of authors and historical works that challenge the myth of our founding fathers as proponents of democratic theories.

7 Peter S. Onuf, "Democratic Detours," *Reviews in American History* 36 (2008): 186-193. In "Democratic Detours," Onuf overviews "neo-progressive" historiography.

8 For more on continuations of English thought and influence throughout the Revolutionary period, see John M. Murrin, "The Great Inversion, Or Court Versus Country: A Comparison of the Revolution Settlements in England (1688-1721) and America (1776-1816)," in *Three British Revolutions: 1641, 1688, 1776*, ed. J. G. A. Pocock (Princeton: Princeton University Press, 1980); Bernard Bailyn, *The Origins of American Politics* (New York: Knopf, 1968); John Greville Agard Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 2003). Murrin outlines the lasting prevalence of English ideas through the American Revolution, Bailyn emphasizes the importance of understanding imperial contexts in understanding colonial politics, and Pocock argues that the Glorious Revolution set foundations for the ideas of the American Revolution.

In building galleries, there is little evidence that colonial leaders held purely democratic intentions.<sup>9</sup> As restrictions to gallery attendance demonstrate, not all inhabitants of Massachusetts, regardless of race, class, or gender were offered the privilege of witnessing legislative processes. However, the order to build galleries did set institutional foundations that would contribute to increasing the political weight of popular opinion in America.

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The Gallery was "a Sort of Balcony" overlooking the meeting room of the House of Representatives.<sup>10</sup> These galleries were located in what is now called the Old State House on Devonshire Street, then called the Massachusetts Town House before the Revolution, and the Massachusetts State House after the revolution. The Massachusetts House of Representatives held official meetings on the first floor. As William Tudor summarizes:

"Hitherto in Massachusetts as everywhere else, the sittings of the legislature had been closed; no strangers were admitted to hear the debates. In England a few persons were admitted by particular favor to listen to the debates in Parliament, but were not allowed to report the speeches of the members though some person were occasionally employed who repeated from memory what they had heard, and from these broken hints, speeches for the members were composed and published under feigned names, or only with initials and purporting to have been delivered at a political club. At this session, June 3, Otis brought forward a proposition and was afterwards made chairman of a committee to carry it into effect for opening a gallery for such as wished to hear the debates."<sup>11</sup>

The first mention of galleries in the House Journal appears on June 3, 1766, reporting the selection of a committee including James Otis, John Hancock, James Warren, Moses Marcy, and [Avery] Hall "to consider the Expediency of opening a Gallery, for the accomodation of such as may

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9 For broader challenges of the colonial leaders' democratic intentions, see Woody Holton, *Unruly Americans and the Origins of the Constitution*, (New York: Hill and Wang, 2007).

10 Daniel Fenning, *The Universal Spelling-Book* (Boston: D. Kneeland, 1769). Fenning's dictionary defines a gallery as "a Sort of Balcony."

11 William Tudor, *Life of James Otis*, 253.

incline to attend the Debates of this House, under such Regulations as may hereafter be agreed upon."<sup>12</sup> The construction of galleries was suggested by the town of Cambridge in May, 1766, with the reason that it would "enable anyone to see that nothing was passed which was not to the real benefit and advantage of the constituents."<sup>13</sup> On June 11, 1766, a motion was made and seconded that "the Debates of this House be open, and that a Gallery be erected on the Westerly side of this room for the accomodation of such persons as shall be inclined to attend the same, and that Mr. [John] Hancock, Mr. [James] Otis, and Mr. [Samuel] Adams, be a Committee to SEE THAT THIS ORDER BE PUT INTO EXECUTION."<sup>14</sup>

Thomas Crafts was paid fifteen pounds, six shillings, and five pence to construct the galleries in 1766.<sup>15</sup> The House paid for the galleries to be repaired twice between 1766 and the move of the Massachusetts state government to the present State House on top of Beacon Hill: On January 25, 1779, William Moore, fixed the gallery door on Jan. 25, 1779 and on June 5, 1792, Thos. Dawes, Esqr. added ventilators.<sup>16</sup>

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Readers of the *New-Hampshire Gazette* and the *Boston News-Letters and New-England Chronicle* were aware of the gallery openings. Both reported on June 12, 1766:

"We here the Honorable House of Representatives have Voted that

Galleries be fixed, to accomodate any Gentlemen that may be desirous

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<sup>12</sup> *Journals of the House of Representatives of Massachusetts*, June 3, 1766 in Harold F. Nutzhorn, ed., "The Old State House in Boston, Massachusetts," Massachusetts (Boston: Works Progress Administration, 1938), 111.

<sup>13</sup> Jack P. Greene and J.R. Pole, *A Companion to the American Revolution* (London: Wiley-Blackwell, 2003), 69; Lucius Robinson Paige, *History of Cambridge* (Boston: H. O. Houghton and Company, 1877), 140.

<sup>14</sup> Massachusetts House of Representatives, *Journals of the House of Representatives* 43 (Boston: Green & Russell, 1767), 74.

<http://books.google.com/books?id=hsAgAQAIAAJ&vq=June%2011&dq=Journals%20of%20the%20House%20of%20Representatives%201766-1767&hl=zh-TW&pg=PA70#v=snippet&q=June%2011&f=false>

<sup>15</sup> Nutzhorn, ed., "Old State House," 113; Massachusetts House of Representatives, *Journals of the House of Representatives*, 406.

<sup>16</sup> Nutzhorn, ed., "Old State House," 165, 204.

of hearing the Debates of the Assembly."<sup>17</sup>

The *Boston Evening Post* reported on June 16, 1766:

"On Wednesday last the Honorable House of Representatives voted that Galleries be fixed, to accomodate any Gentlemen that may be desirous of hearing the Debates in the Assembly; and the next morning the gallery at the West End of the Representatives Room was opened . . .  
."18"

As June 16 was a Monday, this report from the *Boston Evening Post* suggests that the galleries were opened on Thursday, June 12, 1766. We can speculate that most people in Boston would have heard the news of these gallery openings as literacy rates were relatively high and, as Richard Brown explains in *Knowledge is Power*, "simply to live in a port meant that everyone. . . would be exposed to major currents of information."<sup>19</sup>

## ENTRY RESTRICTIONS

On January 28, 1767, the House Journals indicate the formation of a committee to regulate who the House allowed to enter the galleries, ordering "Mr. [James] Otis, Capt. [Edward?] Sheaffe, and Col. [Joseph] Gerrish, be a Committee to consider of some further Regulation of the Galleries, and report."<sup>20</sup> It had been specified on June 3, 1766 – the first mention of galleries in the House Journals – that entrance would be regulated according to "Regulations as may hereafter be agreed upon."<sup>21</sup> Restrictions were agreed upon by June 11, 1766, as the House Journals recorded an order "that no Person be admitted to a Seat in the Gallery without applying to and being introduced by a

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17 *New Hampshire Gazette*, June 12, 1766; *Boston News-Letters and New-England Chronicle*, June 12, 1766.

18 *Boston Evening Post*, June 16, 1766 in Nutzhorn, ed., "Old State House," 112.

19 Richard D. Brown, *Knowledge is Power: the Diffusion of Information in Early America, 1700-1865* (Oxford: Oxford University Press, 1991), 129.

20 Massachusetts House of Representatives, ed. Robert Earle Moody, *Journals of the House of Representatives 43* (Boston: MA Historical Society, 1973), 35.

21 *Journals of the House of Representatives*, June 3, 1766 in Nutzhorn, ed., "Old State House," 111.

member of this House."<sup>22</sup> The Boston Post-Boy reported these restrictions on June 16, 1766.<sup>23</sup> The order of these restrictions, and the lack of any existing evidence of any debates within the house over these restrictions, reveal how the colonial leaders in the Massachusetts House of Representatives generally agreed that the legislative process should not be open to all.

Even to a selected public, the colonial leaders in the 1766 Massachusetts House did not believe that every backroom deal ought to be transparent. Restrictions were also placed on days to which the galleries were open. Certain topics and discussions remained private to the House, as suggested by specifications of when the galleries would be ordered opened or closed. From the beginning of the opening of the galleries, evidence exists mentioning the specific opening or closing of the galleries. The House "Ordered, That the Door-keeper be directed to open the Galleries" on May 28, 1767.<sup>24</sup> On May 25, 1768, the House "Ordered, That the Gallery be clear'd."<sup>25</sup> In a letter from Governor Bernard to the Earl of Hillsborough, on July 1st, 1768, Bernard emphasizes how the galleries were open "upon this Occasion", suggesting that "upon other occasions, the galleries were not open."<sup>26</sup> Officially, colonial leaders in the 1760s did not intend for the Massachusetts House galleries to be open for *anyone* to witness *any* legislative processes of the House of Representatives.<sup>27</sup>

## THE FIRST PUBLIC GALLERIES?

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22 Massachusetts House of Representatives, *Journals of the House of Representatives* 43, 74.

23 *Boston Post-Boy*, June 16, 1766.

24 Nutzhorn, ed., "Old State House," 115.

25 Massachusetts House of Representatives, ed. Robert Earle Moody, *Journals of the House of Representatives* 44 (Boston: MA Historical Society, 1973), 89.

26 Sir Francis Bernard and Thomas Gage, *Letters to the Right Honourable the Earl of Hillsborough, from Governor Bernard, General Gage, and the Honourable His Majesty's Council for the Province of Massachusetts-Bay: With an appendix, containing divers proceedings referred to in the said letters* (Boston: Edes & Gill, 1769), 18.

<http://books.google.com.tw/books?id=j3NbAAAAQAAJ&lpg=PA18&ots=l-g7LFWmrB&dq=Copy%20of%20a%20Letter%20from%20Governor%20Bernard%20to%20the%20Earl%20of%20Hillsborough&pg=PA18#v=onepage&q&f=false>.

27 Private individual intentions, however, remain unclear. Were the colonial leaders honest in their official justifications of opening the galleries as an operation that upheld an ideal of representation within the bounds of classical republicanism and compact theory, or did Bostonian leaders intentionally manipulate the discourses of representation in order to benefit their own interests to mobilize political opposition to imperial policies? For a more general discussion of colonial propaganda to enflame the people against the royal administration, see Arthur Meier Shlesinger, *Prelude to Independence: the newspaper war on Britain, 1764-1776* (Boston: Northeastern University Press, 1980), 20.

The Bostonian Society website's lauding of the Massachusetts House galleries as "the first known example of providing public accountability for elected officials"<sup>28</sup> is incorrect. The Virginia House of Burgesses and the Irish House of Commons both had galleries before 1766, arguably with even less restrictions for entrance.

### *The Virginia House of Burgesses*

The Journal of the House of Burgesses provides evidence that the Virginia House of Burgesses ordered the building of galleries before the Massachusetts House of Representatives. On November 2, 1764, the House of Burgesses "*Ordered*, That the Treasurer be directed to agree with Workmen to erect a Gallery across this House."<sup>29</sup> This order appears 2 years before the Massachusetts House Journal records ordering the building of galleries at the Town House in Boston.

In the "Journal of a French Traveller in the Colonies, 1765," a Frenchman records how he wandered into the House of Burgesses on May 30th: "I went immediately to the assembly which was seting, where I was entertained with very strong Debates Concerning Dutys that the parlement wants to lay on the american Colonys . . ." On May 31st, the next day, the French Traveller "truend to the assembly" and "heard very hot Debates stil about the Stamp Dutys".<sup>30</sup> Without any mention of being asked who he was before entering, this Frenchman seems to have entered the galleries of the House of Burgesses with relative ease. Not until the next year, in 1766, did the House of Burgesses

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28 The website of the Bostonian Society; <http://www.bostonhistory.org/?s=os&p=history>.

29 Virginia House of Burgesses, ed. John Pendleton Kennedy, *Journals of the House of Burgesses of Virginia, 1761-1765* (Richmond: The Colonial Press, E. Wadley Co., 1907), 233.

30 "Journal of a French Traveller in the Colonies, 1765, I," *The American Historical Review* 26 (1921): 745-746; Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (Chapel Hill: UNC Press Books, 1995), 94. The journal of a French traveller was found by Mr. Abel Doysié in the archives of the Service Hydrographique de la Marine. "All efforts to identify him [the Frenchman in question] . . . have thus far been unsuccessful." The particular debate he walked in on concerned Patrick Henry's resolutions against the Stamp Act.

amend their criteria defining who may enter the gallery, adding restrictions almost exactly the same as the ones ordered by the Massachusetts House on June 11, 1766.<sup>31</sup> Questions remain, however, regarding whether both legislative bodies enforced these similar restrictions to enter the galleries to the same degree.

### *The Irish House of Commons*

Edward Porritt provides evidence that the Irish House of Commons had galleries almost a century before the Massachusetts House of Representatives built their galleries at the Massachusetts Town House in Boston:

"From the time when the Irish Parliament met in the Parliament House completed in 1739, there was a gallery open to the public, and later on a Speaker's gallery for more distinguished visitors. The House of Commons at Westminster was more capricious in admitting strangers; but even when the rule excluding them was put into force, it was understood that the exclusion was not to apply to members of the Irish House of Commons . . . One of the payments to officers of the House sanctioned in the closing days of the Restoration Parliament suggests that there was a gallery in 1660; and there is proof in the Journals that it was in existence in 1662, and that by this time strangers were finding their way into it."<sup>32</sup>

Not only did the Irish House of Commons open galleries earlier than the Massachusetts House of Representatives, but certain restrictions of entry were even looser in Ireland than in

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31 Virginia House of Burgesses, ed. John Pendleton Kennedy, *Journals of the House of Burgesses of Virginia, 1766-1769* (Richmond: The Colonial Press, E. Waddey Co., 1906), 44.

32 Edward Porritt, *The unreformed House of Commons: parliamentary representation before 1832* (Cambridge: University Press, 1903), 406-407, 429. <http://books.google.com/books?id=GfQKAAAAYAAJ&oe=UTF-8>



Massachusetts. Where Massachusetts restricted attendance, at least *de jure*, to men only, the Irish House of Commons extended attendance to certain women as well. A printing in 1768 by the "Macaroni Jester" notes how in 1753, "Besides Gentlemen there are, I see, many Ladies, many very fine Ladies in the Gallery."<sup>33</sup> The *Memoires of the Verney Family during the Civil War* includes a reflection of how ". . . the ventilator through which, during the last twenty years of the eighteenth century, was made to serve as a ladies' gallery, and was then the only place, until after the old representative system had come to an end, to which ladies had access while the House was sitting."<sup>34</sup> Grantley Berkeley stated in a debate in 1835 that as early as 1716, women were admitted not only to the gallery, but to the floor of the House.<sup>35</sup>

Though an order in 1718 prohibited strangers from entering the galleries of the House of Commons, the order does not seem to have been well enforced.<sup>36</sup> For example, in Moritz' recorded reflections in his "Travles in Several Parks of England," he notes that while members of the House of Commons were in session, visitors in the gallery lay on the benches, while some even cracked nuts and ate oranges.<sup>37</sup> If this was not a one time occurrence, it seems that the galleries continued to exist in the 18th century at the Irish House of Commons as a rather casual means for the public to witness the processes of the Irish legislature, even though the official authorization had expired.

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Proving that the Virginia House of Burgesses and the Irish House of Commons had opened

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33 Robert Bell, "The Macaroni Jester," (Philadelphia: American Antiquarian Society and NewsBank, Inc., 2004), 31-32. Evans 10914.

34 Porritt, *Unreformed House of Commons*, 426.

35 Porritt, *Unreformed House of Commons*, 580.

36 Porritt, *Unreformed House of Commons*, 577. The House of Commons journal records an order in 1718 "That the sergeant-at-arms, do from time to time take into his custody any stranger or strangers that he shall see, or be informed of, to be in the House or gallery, while the House, or any committee of the whole House, is sitting," and that "no member of this House do presume to bring in any stranger or strangers into the House or gallery thereof, while the House is sitting."

37 Porritt, *Unreformed House of Commons*, 579.

galleries before the Massachusetts House of Representatives may force the Old State House Museum to amend their tours, but does not shed any light on understanding the intentions of the colonial leaders or the impacts of the Massachusetts House galleries. To assume that the opening of galleries marked a stark transition from an absence of public involvement in the legislative process is flawed, as the 18th century Bostonian political landscape included alternative forms of public involvement in the legislative process both before and after the building of the galleries. Not only were there unofficial spaces to talk about provincial legislation, such as Boston Town Meetings and taverns, but there also existed more direct ways for the public to exert political pressure on legislators.<sup>38</sup> In 1762, 4 years before the order to construct galleries over the Massachusetts House of representatives, James Otis had used the threat of printing the names of members who opposed his measures as a means of political pressure.<sup>39</sup> The 1760 broadside *To the Freeholders of the Town of Boston* suggests than an electoral ticket, here termed a list, was circulating with the the objection of certain names on it for not voting as the writer had hoped.<sup>40</sup> In 1765, the town of Dedham instructed its representative on the duty of resisting the Stamp Act, calling forth specific instruction on general policy from its elected representative.<sup>41</sup> Identifying the exact date to which certain legislative chambers opened public galleries does not serve as an accurate marker for the nascence of direct popular participation of constituents in legislative processes.

### A GRAND POLITICAL STATEMENT?

Though the ordering of opening galleries was still a novel procedure in 1766, the justifications and the political philosophy on which the opening of galleries were founded were neither controversial nor vehemently contested. In 1773, Josiah Quincy noted with a hint of scorn

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38 Benjamin Carp, *Rebels Rising: Cities and the American Revolution* (Oxford: Oxford University Press, 2007), 18.

39 Jack Richon Pole, *Political Representation in England and the Origins of the American Republic*, (New York: Macmillan, 1966), 71.

40 Pole, *Political Representation in England*, 70.

41 Pole, *Political Representation in England*, 73.

how the Philadelphia House was said to be the "only house of commons throughout the continent" to not have public debates.<sup>42</sup> By 1773, having open galleries had become the norm in colonial America.

Just because the Massachusetts House of Representatives, the Virginia House of Burgesses, and the Irish House of Commons had operating galleries does not necessarily imply that political leaders in either Virginia, Ireland, or Massachusetts actively supported popular participation in legislative processes by 1766. Rather than focusing on the question of whether or not the House of Representatives were the first democratic institution in 1766, shifting focus to the particular uses of the galleries offers a more complete and accurate picture of the political landscape of colonial Massachusetts, including more precise understandings of the intentions of the colonial leaders and of the political impacts of the galleries. A closer look at the particular uses of the Massachusetts House galleries indicate that the galleries did not serve as a means of giving the masses a more direct role in deciding exactly what legislation to pass.

As records of the House Journals indicate that debates regarding the Stamp Act occupied months of discussion, and as the order to build the Massachusetts House galleries on June 1766 occurred 3 months after the official repeal of the Stamp Act on March 17, 1766, considerations of the discourse used to argue against the Stamp Act provide broader contexts for which to understand the opening of the galleries. The colonial leaders discourse arguing against the Stamp Act did not challenge the concept of virtual representation itself – the system established by the contract theory which held that certain individuals could rightly speak for the whole society – but challenged the interpretation of virtual representation forwarded by the royal administration. Leaders of the Stamp Act Congress of 1765 argued that the colonies were not justly represented in the House of Commons in Great Britain according to existing doctrines.<sup>43</sup> The colonial leaders' response to the Stamp Act did not challenge existing systems of government, but offered alternative interpretations of those systems. The opening of the galleries similarly posed no direct challenges to existing political

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<sup>42</sup> Afred M. Tozzer, "Journal of Josiah Quincy, Junion, 1773," *Proceedings of the Massachusetts Historical Society* 49 (1915-1916), 476.

<sup>43</sup> Gordon S. Wood, *Representation in the American Revolution* (Charleston: University Press of Virginia, 1969), 8.

systems or assumptions: the galleries were not a grand political statement.

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To focus too narrowly on political uses of the galleries misses one particular non-political role provided by the galleries: entertainment. Political culture was not as clearly distinguished from popular culture as it is today, where MTV and CNBC characters rarely overlap. Popular interest in the proceedings of the legislature were not necessarily a political statement, but also an amusing source of entertainment.

In certain cases, the political proceedings in the Massachusetts courts and in the house were both treated as spectacle. The Boston Evening-Post on June 27, 1763 paints a scene of the galleries at the court trial of Mr. John Rice's indictment of "forging a letter of attorney" on May 2, 1763: "The extravagant demands of the persons who kept the galleries, occasioned the court not being so full as was expected; front places were let a one guinea, and back seats at half a guinea." The galleries of the House of Representatives, similarly provided a space for entertainment. The Massachusetts Centinel noted on October 27, 1787, "The galleries wre crowded, and hundreds of spectators were admitted on the floor, and in the unoccupied seats of the House, drawn thither by their extreme curiosity and impatience to know the result of this novel and extraordinary debate. On the whole, everything terminated to the entire satisfaction of this numerous concourse of citizens."<sup>44</sup> The Massachusetts Centinel portrays the proceedings of the galleries as if the representatives are actors in a drama. Attending the galleries was neither necessarily nor always viewed as a political statement to assert one's rights as a constituent to partake in the legislative process.

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44 *Massachusetts Centinel*, Oct. 27, 1787 in Nutzhorn, ed., "Old State House," 192.

The order to open galleries was not a grand political statement either. Rather than fortify new democratic ideals around popular opinion, the opening of the galleries easily fit into existing ideas of virtual representation, classical republicanism, and mixed government. The official justification behind the proposal to open the galleries in 1766 was to "enable anyone to see that nothing was passed which was not to the real benefit and advantage of the constituents."<sup>45</sup> This goal of representing the people was a shared concern of both colonial and royal political leaders. A response to a "Letter from the Right Hon. the Earl of Shelburne to the Governor of this province" in the Boston Evening-Post on November 24, 1766 demonstrates how Friends of Government viewed the issues posed by the galleries as a matter of political tactic, not an illegitimate overstep in power by the House of Representatives. Reportedly, the king had told the governor to reveal information from his letters "as he thinks proper usually to consult upon his *most important* affairs." The November 24, 1766 Boston Evening-Post article critiques the governor regarding tactic, writing that the governor was not "prudent" in withholding the king's letters from the house galleries, as the seeming secrecy "might . . . like lighting in the face of every opposer of his Excellency in the Hon. House, as well as the deluded people in the galleries, and the minds of all might be conciliated."<sup>46</sup> As a matter of tactic, the Boston Evening-Post article argues that the royal administration should not have exacerbated the view of the royal administration as secretive and disconnected from the people. To at least appear to represent the people seems to have been a shared concern of both colonial leaders and royal administrators.

There is little evidence to prove that the opening of the galleries itself was particularly controversial. No existing records indicate any debates around whether or not the galleries were legitimate political institutions. Even Thomas Hutchinson, though expressing worry over the "additional weight and influence" of the House over the people, did not question the legitimacy of the

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<sup>45</sup> Pole, *Political Representation in England*, 69; Paige, *History of Cambridge*, 140

<sup>46</sup> Boston Evening-Post, November 24, 1766/

Massachusetts House's right to open a gallery: "Though the following novelty cannot be mentioned as an instance of their assuming what they had no right to. . ."47 It was generally accepted by most parties in colonial Massachusetts that the people were the basis of representation.

As Richard Bushman explains, efforts to reinforce representation were not necessarily direct attacks against the crown in pre-Revolutionary America, as "liberty and royal power were complementary, not opposed."<sup>48</sup> The Massachusetts House Journals explains on May 13, 1764, "all Taxes ought to originate with the people," a "fundamentall Principall of our constitution," interpreting conceptual links between existing royal doctrines with representation.<sup>49</sup> According to the "Protection-allegiance formula," the elite exercised power on behalf of the common citizen, and the common citizen obeyed the elite out of gratitude, duty, and interest.<sup>50</sup> Bushman argues that most men in Massachusetts agreed with this compact theory of government, as demonstrated by the repeated election of certain families to positions of representatives. For instance, nine members of the Pynchon family served 24.5% of all leadership terms in Springfield, Massachusetts throughout the colonial period.<sup>51</sup> John Adams similarly does not emphasize "equality" in his "Defense of the Constitutions of the United States": "Let no man be surprised this species of inequality is introduced here . . . Go into every village in New England, and you will find that the office of justice of the peace, and even the place of representative, which has ever depended only on the freest election of the people, have generally descended from generation to generation, in three or four families at most."<sup>52</sup> Technically, in this view shared by Adams, members of the House, and many ballot castors, elections would bind the interests of the representative and the constituents together, because with the ability

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47 Thomas Hutchinson, *The History of Massachusetts, From the First Settlement Thereof in 1628, Until the Year 1750* (Salem: Thomas C. Cushing, 1795), 166. <http://books.google.com.tw/books?id=vrETAAAYAAJ&hl=zh-TW&pg=PR3#v=onepage&q&f=false>

48 Richard Bushman, *King and People in Provincial Massachusetts* (Chapel Hill: University of North Carolina Press, 1985), 22.

49 Massachusetts House of Representatives, ed. Robert Earle Moody, *Journals of the House of Representatives 4-1* (Boston: MA Historical Society, 1973), 66, 77. In this case, "originate" means to have representatives elected by the people, not that the people actually decide what taxes.

50 Bushman, *King and People*, 24-25. Bushman outlines what he calls the "protection-allegiance formula."

51 Bushman, *King and People*, 79.

52 John Adams, *Defense of the Constitutions of the United States* (London: C. Dilly, 1778), 110-111. [http://www.constitution.org/jadams/ja1\\_00.htm](http://www.constitution.org/jadams/ja1_00.htm).

to vote out representatives, the elected ruler did not have rational alternatives from supporting the common interests he shared with his constituents.<sup>53</sup>

At least *de jure*, the opening of galleries only expanded the political participation of constituents to the extent that this participation did not infringe on the specifics behind decisions made by the legislators directly. The regulations regarding entrance to the galleries designed and agreed upon by the colonial leaders reflect this broader concurrence with the ideas of classical republicanism. The colonial leaders' agreement that open legislation was not ideal for all issues provides evidence that the colonial leaders did share in the certain ideas of Harrington, Sidney, and Locke.<sup>54</sup> In Harrington's concept of lawmaking, the people were not to propose laws; instead, "invention is a solitary thing," reserved to the legislator.<sup>55</sup> Sidney similarly qualified the power of the people, specifically explaining how representatives were not chosen "to do as they [the people] list."<sup>56</sup> Similarly also, Locke argued in support of the "sacred and unalterable in the hands where the Community have once placed it."<sup>57</sup> Just as none of these political philosophers at the time supported any form of direct democracy, the colonial leaders did not believe that the legislative process should be entirely open to the discretion of the public.

Strands of classical republicanism and virtual representation held strong throughout the pre-Revolutionary period and even past the Revolution in 1774. As John Adams consistently reemphasized, representatives must be "a few of the most wise and good" and "of great abilities and considerable property" because these elite men would know better than the common man what was

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53 Richard Buel, "Democracy and the American Revolution: A Frame of Reference," *The William and Mary Quarterly* 21 (1964), 186. For more on elections in colonial Massachusetts, see Robert Brown, *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* (New York: Harper & Row, 1969). Brown shows that in some towns, more than 90% of the adult male population were qualified by their property to vote in provincial elections. Though elections were loose, this did not necessarily imply that the founding fathers believed that the constituents should have a direct say in the precise details of every aspect of legislation.

54 For more on the influence of political philosophers on the colonial leaders, see Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Harvard University Press, 1967).

55 James Harrington, *The Oceana* (Dublin: R. Reilly, 1737), 230-231.

[http://books.google.com.tw/books?id=4ytWAAAAYAAJ&lpg=PA230&ots=niK1bbT\\_u0&dq=Harrington%20%22invention%20is%20solitary%22&pg=PA230#v=onepage&q=invention%20solitary&f=false](http://books.google.com.tw/books?id=4ytWAAAAYAAJ&lpg=PA230&ots=niK1bbT_u0&dq=Harrington%20%22invention%20is%20solitary%22&pg=PA230#v=onepage&q=invention%20solitary&f=false)

56 Algernon Sidney, *Discourses Concerning Government*, 409-10. [http://www.constitution.org/as/dcg\\_000.htm](http://www.constitution.org/as/dcg_000.htm).

57 Pole, *Political Representation in England*, 19.

best for society.<sup>58</sup> According to this strand of political theory, as outlined by John Locke in *Two Treatises* and John Trenchard and Thomas Gordon in *Cato's Letters*, representatives helped provide the people with protection against oppression from rulers without the consequence of dealing directly with the people's incompetence.<sup>59</sup> Buel cites a wide range of sermons from the last quarter of the 18th century that echo these assumptions that the representatives ought to be the wisest and richest, including sermons by Andrew Eliot, Edward Barnard, Josiah Tucker, Jonathan Mayhew, and Moses Parsons.<sup>60</sup> Furthermore, as the Boston Evening Post published on June 24, 1765, "the only ground and reason why any man should be bound by the actions of another who meddles with his concerns is, that he himself choose that other to office."<sup>61</sup> Though the people should have the write to elect their representatives, they should not interfere with the details of the legislative process itself. Once elected, it was the duty of the represented to be "bound" to the decisions of the representative.

This distinction was reinforced by the creation of a separate space for the representatives and the constituents in the form of galleries. Increased transparency did not necessarily imply increased direct participation in legislative processes according to assumptions of virtual representation shared by colonial leaders and constituents in 1766. With restrictions to entry based on individual qualifications as well as the topic of the debate, the galleries were prescribed according to colonial leaders' beliefs that individual legislation itself did not require the approval or scrutiny of all common men.<sup>62</sup> In specifying regulations to entering the galleries, the colonial leaders retained the right to make closed decisions that they believed were best, even if these debates and verdicts were unpopular to the public. Immediately proceeding the Revolution, Hutchinson explains that in 1773, John Adams "desired that the galleries might be cleared, as he had matters, which greatly concerned

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58 [John Adams], *Thoughts on Government* (Philadelphia, 1776), in Charles Francis Adams, ed., *The Works of John Adams* 4 (Boston, 1850-56), 194-95; The Watchman, "To the Inhabitants of the City and County of New York" (New York, 1776), in Wood, *Representation*, 13. For more on the revolutionaries' acceptance of the concept of virtual representation, see Buel, *Democracy*.

59 Buel, *Democracy*, 176.

60 Buel, *Democracy*, 178.

61 *Boston Evening Post*, June 24, 1765, in Wood, *Representation*, 16.

62 For more on these restrictions, see back to pages 5 and 6 of this essay.



the province, to communicate with the leave of the house. They were ordered to be cleared, and all members of the house were enjoined to attend."<sup>63</sup> This discussion of the House in 1773 focused on the Declaration of Independence. Even regarding the topic of revolution, a topic "which greatly concerned the province," the colonial leaders agreed to close off the discussions of the House of Representatives from public scrutiny. The electorate had chosen their representatives, and now the representatives were fulfilling their duties to make decisions with the expectation that the constituents would obey their decisions. The galleries thus operated within theories that removed constituents from participation in making particularly tough decisions.

As Pole explains in "Historians and the Problem of Early American Democracy," even when the colonial leaders established new constitutions after the Revolution, "the theory of mixed government was maintained with as little adulteration as possible."<sup>64</sup> The galleries provide one example that supports this broader claim that the founding fathers were not exactly defenders of democracy or popular participation in the legislative process. Neither the establishment nor the operations of the Massachusetts House galleries posed any grand political challenges to break from existing assumptions of political theory in order to uphold democratic ideals.

## **POLITICAL CONTESTATIONS**

Though the colonial leaders did not challenge the royal government in theory, they did pose challenges to the royal administration in practice. Within the boundaries of this system of mixed government, the construction of the galleries contributed to the popular branch's growing political influence.<sup>65</sup>

In the late 1760s, the popular branch of government held a relatively greater amount of

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<sup>63</sup> Hutchinson, *History of Massachusetts*, 400.

<sup>64</sup> Pole, *Historians*, 634.

<sup>65</sup> Hutchinson, *History of Massachusetts*. Hutchinson refers to the House of Representatives as the popular branch in government in his *History of Massachusetts*.

power than in previous decades. In 1768, General Thomas Gage wrote to Viscount Hillsborough, "from what has been said, your lordship will conclude, that there is no government in Boston, there is in truth, very little at present, and the constitution of the province leans so much to democracy, that the governor has not the power to remedy the disorders which happen in it."<sup>66</sup> In 1769, Sir Francis Bernard wrote to Viscount Barrington, commenting on how the Massachusetts Bay colony remained "with so few ingredients of royalty as shall be insufficient to maintain the real royal character."<sup>67</sup> Both Gage and Bernard expressed beliefs that the popular element of government in Boston had upset the proper balance of the prescribed mixed constitution.

This enhanced power was partially established by the House's incorporation of the people's will through the opening of galleries. Royal authorities admitted feeling pressured by the galleries.<sup>68</sup> In both the New-York Gazette, or Weekly Post-Boy May 7, 1767<sup>69</sup> and the Georgia Gazette on July 1, 1767, an extract of a letter from London, dated February 20, 1767 was published, describing how Charles Townshend, the Chancellor of the Exchequer, expressed concern that "the galleries might hear him; and that after that, he did not expect to have his statue erected in America."<sup>70</sup> These descriptions paint Townshend as self-consciously weary of appearing to be considerate of the people's proprieties when speaking in front of the galleries. Hutchinson similarly recognized the gallery's political power: ". . . a speech, well adapted to the gallery, was oftentimes of more service to the cause of liberty than if its purport had been confined to the members of the house."<sup>71</sup>

To view these political pressures posed by the galleries as simply pitting the assembly against the governor and council, however, fails to recognize how in pre-Revolutionary Massachusetts, assemblies did not unilaterally represent or defend the people against imperial power. Internal

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66 Pole, *Historians*, 633.

67 Ralph Volney Harlow, *History of Legislative Methods in the period before 1825* (New Haven: Yale University Press, 1917), 39-40. <http://books.google.com/books?id=3FwPAAAYAAJ&oe=UTF-8>.

68 For a more general discussion of how the House incorporated the people's will in the late 1760s, see Pole, *Political Representation in England*, 69.

69 *New-York Gazette, or Weekly Post-Boy*, May 7, 1767.

70 *Georgia Gazette*, July 1, 1767.

71 Hutchinson, *History of Massachusetts*, 166.

contestations existed on both sides of this uncleanly cut line.<sup>72</sup> Consequently, it is necessary to further specify who the galleries benefited as a political tool, namely Boston merchants who opposed imperial policies.

Inter-town contestations occurred alongside inter-branch contestations for political power. As Governor Bernard wrote to the Earl of Hillsborough on June 17th, 1768, "the Faction is likely to have Disputes enough upon their Hands without quarrelling with me", suggesting how relations between colonial leaders remained tense leading up to the Revolution.<sup>73</sup> Hutchinson reaffirms this observation, noting how "a jealousy lest the town [Boston] should obtain too great influence."<sup>74</sup> Though I did not find any records keeping track of who attended the galleries, there is reason to believe that the galleries were mainly attended by Bostonians. Only 4 out of 168 towns sent 2 representatives to the Massachusetts General Court in 1763, indicating how most towns in Massachusetts were either unable to participate fully in the colony-wide legislative process for economic reasons, or chose not to.<sup>75</sup> As Pole explains, "town meetings frequently decided not to send a representative." For instance, in 1768, the warrant and record of the Chelsea town meeting mentioned "To see, if they would send a Representative. Passed in the Negative by a great Majority" for economic reasons.<sup>76</sup> If the town could not afford to send an elected representative to Boston, what resources would other citizens from Chelsea have to ever attend the galleries at the House? How representative, then, were the galleries actually, if few citizens from Chelsea and other farther, poorer towns neither sent delegates nor had citizens in the galleries?

The galleries added weight to the popular branch's efforts to mobilize against imperial policies.

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<sup>72</sup> For more on a general overview of how lines were blurred between royal and colonial leadership, see Richard R. Beeman, *The Varieties of Political Experience in Eighteenth-Century America* (Philadelphia: University of Pennsylvania Press, 2004). Beeman offers correctives to Bailyn and Bushman's narrow focus on struggles for power between the assemblies and the parliament.

<sup>73</sup> Francis Bernard to the Earl of Hillsborough, 17 June 1768. Shipton & Mooney 41913.

<sup>74</sup> Hutchinson, *History of Massachusetts*, 166.

<sup>75</sup> Francis Bernard, ed. Colin Nicholson, *The Papers of Francis Bernard Governor of Colonial Massachusetts 1760-1769* (Charlottesville: University of Virginia Press).

<sup>76</sup> Pole, *Political Representation in England*, 51

At the time of the construction of the galleries, Boston mob violence was quite powerful.<sup>77</sup> Pole notes how "Several members of the Assembly of 1766 who had followed Sam Adams and Otis on the Stamp Act, though duly elected by their towns were prevented from taking their seats, while others were intimidated, by the Boston mobs."<sup>78</sup> In 1766, Thomas Hutchinson supports Pole's argument, reporting: "In the town of Boston a plebeian party always has and I fear always will command and for some months past they have governed the province."<sup>79</sup> With the weight of the reputation of the Boston mob behind them, the Bostonians in the galleries did indeed pressure representatives to consider their interests more closely. On June 17, 1766, less than a week after the opening of the galleries, Samuel Alleyne Otis wrote a letter that describes how the spectators of the new gallery intimidated moderate representatives.<sup>80</sup>

Boston merchants were often the heaviest hit by imperial policies and taxes, often as the result of decisions made by other towns. Other towns often were neither as negatively affected by imperial policies or taxes, and not always supportive of Boston's efforts in retaliation. Regarding the issue of paying compensation to Hutchinson after the August 28, 1765 riot, country towns denied responsibility and urged that a special tax be laid on Boston.<sup>81</sup> The opening of the galleries added pressure against representatives from country towns who strayed from the interests of Bostonians seeking to relieve themselves of imperial taxes and regulations.

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In "Early Modern Postmodern Politics," Johann Neem argues: "Urban elites were the most likely to find their interests affected by imperial policies. To protest imperial policies, they turned to

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77 For a broader discussion of the Boston mob's political power, see Dirk Hoerder, *Crowd Action in Revolutionary Massachusetts, 1765-1780* (New York: Academic Press, 1977).

78 Pole, *Political Representation in England*, 67.

79 Pole, *Historian and Democracy*, 633; Brown, *Middle-Class Democracy*, 57.

80 Samuel Alleyne Otis to ?, 17 June 1766, *Otis Papers 2*, Columbia University Library; William Pencak, *War, Politics, and Revolution in Provincial Massachusetts* (Boston: Northeastern University Press, 1981), 208.

81 Pole, *Political Representation in England*, 67.

popular language, claiming to defend the people's rights against the King or Parliament. To give legitimacy to this claim, they organized public meetings of ordinary citizens."<sup>82</sup> Wood agrees in *Radicalism of the American Revolution*: "Republican ideas help explain why and how Americans went into the Revolution. But, just as American elites set about to create a republic, it was undermined from below as ordinary people embraced egalitarianism and created a liberal democracy instead." Both Neem and Wood note a distinction between the intentions of the colonial leaders to uphold classical republicanism, and the people's actions to increasingly seek to have their interests reflected in particular legislation. The galleries help to illustrate this variance. While the colonial leaders' instatement of restrictions to the uses of the galleries reinforced political hierarchies *de jure*, the Boston mob was taking advantage of this increased political transparency to increase their own political pressures *de facto*. In the years following 1766, the galleries contributed to the processes to which ordinary urban citizens gained a sense of their own importance and rights as members of the public. As Dr. Thomas Young wrote to John Wendell on November 23, 1766, "tho they [the constituents in the galleries] cou'd not thunder from the Rostrum [they] wou'd inform [?] and instruct from the Press whence such light might frequently arise as sou'd cause the path of many an honest Senator to appear plain, who might otherwise grope in darkness on many critical subjects hastily controverted in the wisest Assembly."<sup>83</sup> In this example, witnessing debates in the House through the galleries fostered constituents' participation in politics through expression of opinions in the public press. Besides acting as a median for the Boston mob to learn which Representatives to intimidate, the galleries served as a means of fostering constituents' participation in the political process, awaking and mobilizing political opinion.

## CONCLUSION

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<sup>82</sup> Johann Neem, "Early Modern Postmodern Polities: The Narratives of Colonial Political Development," *Reviews in American History* 32 (2004): 483; Beeman, *Varieties of Political Experience*, 251.

<sup>83</sup> J. L. Bell, "I have often wished the dissolution of the present Town House," *Boston 1775* (blog), Monday October 17, 2011, <http://boston1775.blogspot.com/2011/10/i-have-often-wished-dissolution-of.html>.

The galleries today hold a skewed legacy as a pioneering democratic institution. Prevalent claims that the Massachusetts House galleries were the first example of public legislative processes in the English speaking world are incorrect. These claims focus solely on the question of whether or not the Massachusetts legislature established galleries first, a question which reveals little about the intentions behind or impacts of the opening of galleries. As the galleries were not unconditionally open, and as the galleries did not directly challenge existing political systems or contracts, the intentions of colonial leaders were not making any clear assertions of democratic values in opening the galleries. Through the galleries, we see how the colonial leaders of Massachusetts sought to uphold classical republicanism, virtual representation, and compact theory, at least *de jure*. In this way, the galleries offer one case study to de-mythologize the democratic legacies of our colonial leaders.

Once established, the impacts of the galleries reverberated behind the narrow confines of the walls of the Massachusetts Town House, beyond the official intentions of the colonial leaders to "enable anyone to see that nothing was passed which was not to the real benefit and advantage of the constituents."<sup>84</sup> The galleries served as a means of tightening political pressure on Representatives to fight against imperial policies, and set foundations that would foster expressions of public political opinions.

The galleries have provided one perspective through which to view how pre-Revolutionary colonial Massachusetts' social and political landscapes operated. Though not blatantly democratic, the establishment of the galleries did foster political opinion and participation of certain constituents, contributing to the more long-term developments of America towards democracy. Rather than providing answers that we can look back on today as precedent, in opening galleries, the colonial leaders opened questions regarding representation: who should be represented, how, and to what

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84 Lucius Robinson Paige, *History of Cambridge* (Boston: H. O. Houghton and Company, 1877), 140.

extent? The legacy of asking questions regarding representation – particularly as social, economic, and political contexts shift with time – continues to hold strong in today's political debates in the United States, most recently in questions posed by the Occupy Wall Street movement.