

## Upper Cape Delegates

Students from Falmouth, Bourne and Sandwich High Schools prepared reports on the three Upper Cape Delegates to the 1788 Ratification Convention as part of a state-wide school project culminating in a re-enactment in Boston in February 1988. Those reports are presented here with some editing. Two of the three delegates — Capt. Palmer and Dr. Smith — were well known in their communities. However, there is a problem with Thomas Nye. Two Sandwich men of that name could have served and there is no evidence which it was: Thomas Nye 1760-1802 or Thomas Nye 1741-1788. I have chosen the older man even though he died two months after ratification, because he served in the Revolution and was a man of property, involved in town affairs, while the younger man apparently was not. The comment of Joe Price of Bourne High School on his research is appropriate: "It has shown me some of the gaps in our history and the loss we have endured because of a lack of recording of events, which may be a warning to us, not to fail to record what happens in our lifetimes as it may be used to tell future generations what happened in our era."

In addition to the biographical sketches, the Bourne and Sandwich students have researched and prepared interesting reports on the economy and living conditions on the Upper Cape 200 years ago, with a good deal of reference to original documents in town and county archives. They expressed special appreciation to Barbara Gill, Sandwich archivist, and to Russell A. Lovell Jr., historian and author, and so do I. I also thank the faculty advisors, Lloyd Crosby at Falmouth High School, Leo Manning at Bourne High School and William Hulick at Sandwich High School.

W.R.W.

### **Capt. Joseph Palmer, "The Friend of Freedom"** *Susan E. Fitch, Falmouth High School*

Captain Joseph Palmer, a well-known Revolutionary War veteran and Falmouth community leader, was chosen to act as that town's delegate to the convention in Boston.<sup>1</sup>

Son of the beloved Rev. Samuel Palmer, he was born June 12, 1739,<sup>2</sup> the second child of five. His father was minister to the First Congregational Church for 44 years, a reflection of his popularity and standing in the community.<sup>3</sup> Unfortunately characteristic of the times, Joseph's mother died when he was 12 years old. He was not without a mother for long, however, because his father married Sarah Allen of Chilmark two years later; this union brought forth six more brothers and sisters. Joseph no doubt profited from his father's standing in the community. However, he chose a career in politics and business rather than following in his father's footsteps to Harvard College and the ministry.

Joseph Palmer married Thankful Davis on Dec. 6, 1765. Thankful had lost both parents at a young age and was raised by her grandfather Joseph Hinkley of West Barnstable. The couple had five children, including one who died shortly after birth in November, 1772. They lived on a piece of land deeded to Joseph by his father in 1767, located off the Village Green on the street that was named after his father, Palmer Avenue.

Palmer's public career appears to have begun in 1774, when he and several others were directed "to see that the Continental Congress be adhered to."<sup>4</sup> In April of 1775 he commanded a regiment of 35 men that answered the call to arms at Lexington and Concord. He eventually saw service of seven months and fifteen days in the Continental Army, being discharged on Nov. 16, 1779.<sup>5</sup> All was not



The Joseph Palmer house, built in 1768, was located off the Village Green on the street that was named Palmer Avenue in honor of Joseph's father, Samuel Palmer, minister of the First Congregational Church from 1730-1775. The first Falmouth Post Office was located in this building. The house was torn down ca. 1920. Courtesy Falmouth Historical Society.

muskets and bayonets during that period, however, as Palmer showed increasing signs of political awareness. At the annual town meeting in Falmouth in March, 1777, he was appointed town clerk and treasurer.<sup>6</sup> He also showed his democratic sentiments by taking part in a protest against the appointment of an unpopular officer to lead his regiment despite the expressed sentiments of the troops.<sup>7</sup>

Like so many other Americans, Palmer looked upon peace and independence as an opportunity to carry on commercial pursuits and to resume the life of a father and husband. Unfortunately the years following independence were not kind to the residents of poor agricultural communities such as Falmouth. There was no uniform system of trade, and many saw the wealth of the nation fall into the hands of foreigners.<sup>8</sup> A period of deflation had reduced prices and income. Farmers who had purchased livestock, farmlands and goods during prosperous times now found themselves facing imprisonment for debt. Such hard times provoked an insurrection of farmers

in the western part of Massachusetts under Daniel Shays. The Governor's Council issued a general precautionary proclamation warning against such actions; it was read in Falmouth in November of 1786.<sup>9</sup> This was one more indication that a strong central government was needed.

In October, 1787, the state legislature asked the town of Falmouth to appoint a delegate to the Constitution Ratification Convention due to convene in January, 1788. The selectmen, Nat Shiverick, John Nye and Joseph Hatch, on Nov. 29 chose Captain Palmer to represent Falmouth at that august event. He arrived in Boston Jan. 9 and was in attendance during all 28 days of the convention's proceedings.<sup>10</sup> Pro-Federalist from start to finish, he voted Aye when the question of ratification was finally put to the floor,<sup>11</sup> then accepted 13 pounds and 6 shillings expense money and returned to Falmouth.

The following years were marked by prosperity and further achievement in both public and private life. Palmer continued in his position as town clerk and treasurer and simultaneously expanded both his agricultural and mercantile interests. His home was elegantly furnished, his landholdings extensive, and he eventually acquired part interest in three commercial sailing vessels. Some might contend that he had become too involved with worldly pursuits. Writing from Philadelphia in 1783, his brother Job reminded Joseph of a previous request for financial aid. As he had received no reply and was in considerable need, relying on music lessons to support himself and his family, Job expressed a concern that perhaps Joseph was forgetting obligations of the soul in his pursuit of material success.<sup>12</sup> We have no evidence suggesting that Joseph responded to this request either.

Palmer was appointed Justice of the Peace in 1784 and the next year established the town's first U.S. Post Office in his home. In 1797 he was appointed

inspector for his district and in 1798 assistant assessor for the towns of Falmouth and Sandwich and the plantation of Mashpee. Not forgetting the soul entirely, he was chosen in 1797 to ring the church bell on Sundays and other special days.

On July 22, 1807, Palmer's beloved Thankful died in her 68th year. Exactly one year later he was remarried, this time to Ruth Butler. Their union was marked by a prenuptial agreement about his estate, perhaps common today but not so then. The marriage was not to last long as he died on Oct. 8, 1808, a scant four months after the wedding. The inscription on his gravestone in the Old Burying Ground reads:

"The friend of freedom dies; is freed we trust,  
From sorrow, care and sin; and sleeps in dust."<sup>13</sup>

Joseph Palmer was perhaps very representative of his generation of Massachusetts patriots. Brought up in the Congregational tradition, politicized during the events of the 1770s, ready to answer Liberty's call at Lexington and Concord, distressed when independence didn't bring the awards anticipated, he joined the movement toward a more perfect union and shared in the prosperity and achievement that followed.

### **Capt. Thomas Nye**

*Joe Price, Bourne High School*

Delegate Thomas Nye of Sandwich was a member of one of the oldest families in the oldest town on Cape Cod. Sandwich was still a small town in 1788. It had been settled by "three-score families" from Saugus, in the Massachusetts Bay Colony, with permission from Plymouth Colony.<sup>1</sup> The Nyes were one of the founding families in Sandwich, beginning with Benjamin Nye, who came to America in 1635 and two years later helped in the establishment of

Sandwich. He married Katherine Tupper in 1640 and settled in Spring Hill, where his residence is shown in the 1667 lands survey. The Nye family quickly grew and by the Eighteenth Century was the largest family in Sandwich.<sup>2</sup>

Thomas Nye was born on Jan. 21, 1742, the son of Benjamin and Rachel (Foster) Nye. He was married to Thankful Blossom of Barnstable, then 21 years old, on June 7, 1764, and they raised a family of three sons and three daughters in their home which still stands on King's Highway.<sup>3</sup> In addition to his house he had a tannery, seven acres of pasture, half an acre of tillage and three acres of salt marsh, which brought an annual income of eight pounds, according to the 1771 Massachusetts Tax Valuation.

Nye served his town in several capacities, beginning in 1773 when he was named to a committee to settle accounts. In 1775 he was chosen surveyor of fences and also served on a committee to see that the recommendations of the Continental Congress were carried out.<sup>4</sup> By then he had already begun his on-again-off-again service in the Revolutionary Army, as an Ensign in Capt. Simeon Fish's First Sandwich Company with Col. Joseph Otis's regiment. Later he served nearly six months as a private in Captain Job Crocker's company with Col. Nathan Sparhawk's regiment, on duty in Rhode Island and various Massachusetts posts. As was then often the case, the company was raised "for six months service unless sooner discharged." Finally in 1778 he served 11 days in Capt. Fish's company in response to an alarm in Falmouth and Sandwich.<sup>5</sup>

After the war his community activities continued. In 1781 he was named to a committee to report on the condition of the town school; in 1785 to committees to examine the accounts of people in debt to the town and to deal with the settlement of a

minister in the Second Parish Church of Sandwich. At various times he also served as surveyor of highways, petit and grand juror, warden, deer reeve, fence viewer and representative to the General Court.<sup>6</sup> In 1787 he was on several committees dealing with schools and legislative matters, including a seven-man committee to instruct the town's delegates to the convention for ratification of the Constitution. The instructions were apparently negative; however, it was voted not to include them in the records. When Major Thomas Bourn objected to being thus bound, and resigned, Nye was appointed in his place.<sup>7</sup>

It is not clear why Sandwich, alone among the Cape Cod towns, was opposed to the Constitution. The town had voted lopsidedly against the first proposed Massachusetts Constitution in 1778, which contained no bill of rights, but so had citizens everywhere else. There was enough anti-slavery feeling that the town in 1773 instructed its representatives to seek a ban on the slave trade and the freeing of all slaves born in this country at the age of 21;<sup>8</sup> but again, virtually all Massachusetts residents shared those sentiments. Times were hard during the years after the Revolution and the conditions that prompted Shays's Rebellion prevailed throughout the Cape as well as in the western counties. One possible explanation is that the Sandwich delegates were the only ones with specific instructions; they may have been persuaded by the Federalist argument and the "conciliatory proposition" but felt obliged to follow their orders.

Nye's vote at the convention must have been his last public service, for he died on April 9, 1788, after an illness of two months. Thankful died six years later, aged 49, and they are buried together in the Old Town Cemetery in Sandwich.<sup>9</sup>

## Dr. Thomas Smith

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(Including information from reports by history students at Sandwich High School)

Dr. Thomas Smith was a prominent member of a prominent Sandwich family. The Smiths first appeared on Cape Cod in the mid-Seventeenth Century when the Rev. John Smith (1617-1702) settled in Barnstable. Three of his sons moved to Sandwich and raised families there.<sup>1</sup> Dr. Thomas Smith, a great-great-grandson of John Smith, was born Jan. 25, 1743, to Thomas and Sarah (Cushing) Smith.<sup>2</sup>

Little is known of his early years, but he studied medicine in Hingham and lived for a time in Falmouth, where he married Temperance Parker in 1764.<sup>3</sup> She bore four children and died at 29 in 1773.<sup>4</sup> Two years later Smith married Elizabeth Williams of Sandwich who bore seven more children, two of whom died at birth. This rather large family was raised at the Smith house in Sandwich which still stands on Water Street. The property included four acres of pasture, three acres of salt marsh and an acre of fresh meadow, all of which provided an annual income of eight pounds.<sup>5</sup> In addition to this revenue, he received income from his work as a doctor and some of his public offices.

Among his town offices were petit and grand juror (1768), hog reeve (1770), surveyor of highways, selectman and moderator. He served also on ad hoc committees for various purposes, among them: to explain why the Church Parish was not established in Pocasset, to answer questions about the Massachusetts Constitution, to approach the General Court about the inability of citizens to pay taxes, to establish schools and engage instructors. He was a deacon of the First Parish Church of Sandwich.



Barnaby Holway House.  
Built by Capt. Thomas Nye at the time of his marriage in 1764, this lovely house with a delicate bow roof is located on Route 6A near the railroad tracks. Nye's son, the Rev. Levi Nye, sold it to Barnabas Holway in 1811. Some additions were made in the mid-Nineteenth Century. The property still stretches across fields, cranberry bogs, marshland and beach to Cape Cod Bay. Photo by Bruce Chalmers.





The Lindens. Built in 1753 by Dr. Thomas Smith Sr., father of the delegate, this handsome building faces the old Sandwich Village mill pond across Water Street. After the Civil War it was owned by Bishop John J. Roberts who conducted the first meetings of the Episcopal Church in Sandwich there. Photo by Bruce Chalmers.

He also served as the town's representative to the General Court and was State Senator at the time of the ratification convention.<sup>6</sup>

Smith saw no military service during the Revolution but he was active in town affairs related to the conflict: Committee to build watch boxes on the sea coast and hire watchmen (1775); committee to find eight men to serve in the Continental Army for nine months (1779); committee to consider request of the General Court for shoes and stockings for the army (1779).<sup>7</sup>

Although we do not know Dr. Smith's personal opinion about the proposed new Constitution, his service to the community made him a logical choice to represent Sandwich at the ratification convention. The records do not indicate that he addressed the convention at any time — nor, apparently, did any of the other Cape delegates<sup>8</sup> — but he did his duty, received his expense payment and returned home.

Perhaps his health deteriorated, as there is little mention of him in the town records after 1788, although he finished out his term in the legislature. He did serve on a town committee to collect past due taxes; records also suggest that he personally paid back taxes for some poor townspeople. He died a little more than two years after ratification, on May 27, 1790, in his 48th year, and is buried in the Old Town Cemetery.<sup>9</sup>

#### Notes

##### Joseph Palmer

1. Notes of the town clerk, Falmouth, MA, p. 294.
2. *DAR Patriot Index*. Washington: 1966. p. 513.
3. Rev. Samuel F. Johnson. *A Thoroughfare for Freedom*. Falmouth, MA, 1976. p. 5.
4. Notes of the town clerk, Falmouth, MA, p. 262.
5. *Soldiers and Sailors of the Revolutionary War*. Boston, 1903. p. 803.
6. Notes of the town clerk, Falmouth, MA, p. 284.
7. Frederick Freeman, *History of Cape Cod: The Annals of Barnstable County and of its Several Towns*. Yarmouth, MA, 1964. p. 531.
8. O'Connor and Rogers, *This Monumental Affair*. Boston, 1987. p. 4.
9. Freeman, p. 551.
10. Massachusetts State Archives. Vol. 278, Doc. 35.2.
11. Massachusetts State Archives. Vol. 278, Doc. 35.9.
12. Palmer Family Collection, Falmouth Historical Society.
13. Falmouth Historical Society, *Falmouth Enterprise*. January 9, 1904.

##### Thomas Nye

1. *A Guide to the Oldest Part of Sandwich*, p. 1.
2. Russell A. Lovell Jr., *Sandwich, A Cape Cod Town*. Sandwich Archives and Historical Center, 1984. pp. 126-128.

3. L. Bert Nye Jr., *A Genealogy of American Nyes of English Origin*, Vol. 1. Published by the Nye Family of America Association, East Sandwich, Mass., 1977, p. 114.
4. Sandwich Town Records, Vol. 3, p. 64.
5. Nye, op. cit., p. 114.
6. Sandwich Town Records, Vol. 3, various entries.
7. Sandwich Town Records, Vol. 3, pp. 174-175.
8. Sandwich Town Records, Vol. 3, p. 23.
9. Nye, op. cit., p. 114.

##### Thomas Smith

1. Russell A. Lovell Jr., *Sandwich, A Cape Cod Town*. Sandwich Archives and Historical Center, 1984, pp. 126-128.
2. Sandwich Town Records, Vol. 2, p. 122.
3. Sandwich Town Records, Vol. 2, p. 208.
4. Gravestone in Old Town Cemetery, Sandwich. Falmouth Town Records, Vol. II, p. 208.
5. Massachusetts Tax Valuation of 1771.
6. Sandwich Town Records, Vol. 3, p. 168.
7. Sandwich Town Records, Vol. 3, p. 65.
8. Jonathan Elliot, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention at Philadelphia in 1787*. J.B. Lippincott Co., Philadelphia, 1941. Vol. II, Massachusetts.
9. First Parish Church of Sandwich Records, p. 107.