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Chaput, Erik J. and DeSimone, Russell J., "The Road Not Taken: John Brown Francis and the Dorr Rebellion" (2014). *Dorr Scholarship*. 2.

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THE ROAD NOT TAKEN:
JOHN BROWN FRANCIS AND THE DORR REBELLION

This select digital edition, drawn from the Henry A.L. Brown's Papers, provides educators and students with a unique opportunity to examine the views of those who opposed Providence attorney Thomas Wilson Dorr's attempt to reform the state's archaic governing structure in the spring of 1842.¹ Henry Brown, the author of an insightful history of Pawtuxet Village and one of Rhode Island's leading collectors, has generously made a significant portion of his collection of papers relating to his ancestor John Brown Francis available at the Rhode Island Historical Society Library. Though the material on this website constitutes only a small fraction of what is on deposit at the RIHS, the letters make clear that there were alternative possibilities which politicians might have taken in 1841-1842. Examining these options for settling the constitutional crisis in Rhode Island is a worthwhile endeavor for students because these are "precisely" the type of questions men had to answer when they selected "one course of action rather than another."²

In the spring of 1842, in response to Dorr's determination to implement the People's Constitution, a conglomeration of Whigs and rural Democrats formed the Law & Order Party. "Let us all unite in this great matter — it will certainly have a tendency towards a most lasting union hereafter of those whose great object is the liberty & constitution of their country," wrote Thomas Dorr's brother-in-law Moses Brown Ives.³ Though men of property and standing came together because of their mutual distrust of

¹ See Erik J. Chaput, *The People's Martyr: Thomas Wilson Dorr and His 1842 Rhode Island Rebellion* (Lawrence: University Press of Kansas, 2013). For a full list of works relating to the 1842 Dorr Rebellion see: <http://library.providence.edu/dps/projects/dorr/references.html>

² Lee Benson, *Toward a Scientific Study of History: Selected Essays* (Philadelphia: Temple University Press, 1972), 206.

³ Ives to Elisha R. Potter, Jr., April 8, 1842.

the Dorrites, within their ranks there was a great diversity of views. There were ultra-conservatives who would not be satisfied unless the Dorrites were crushed and moderates, such as John Brown Francis and Elisha Potter, Jr., who thought the time had come to make concessions.⁴ The course of Rhode Island history and indeed that of antebellum America in general would have been radically different if the views of the moderate Law & Order men had taken hold.

In January 1842, from his family's farm on the coastline of Narragansett Bay, John Brown Francis sounded off on the precarious state of political affairs in Rhode Island. Francis was descendant of a prominent Philadelphia merchant family. His Irish Protestant father John Francis, married Abby Brown, the daughter of Providence merchant John Brown, one of the richest men in the state.⁵ Writing to his close friend William Giles Goddard, a professor at Brown University, Francis expressed alarm at the path that so many of his former political colleagues were now on. Though trained in law having studied with Tapping Reeves in Litchfield, Connecticut, Francis made his living managing his 700-acre farm at Spring Green in Warwick, along with tracts of land in New York and Ohio. A Democrat who served as governor of Rhode Island from 1834-1837, the fifty-one year old Francis lamented the fact that politicians whom he had once worked closely with were not able to arrive at a viable political solution to resolve a constitutional crisis that was spiraling out of control.

⁴ For an informative look at Potter's career see the entry in Patrick T. Conley, *The Makers of Modern Rhode Island* (Charleston, SC: History Press, 2012).

⁵ For more on Francis see Ralph Mohr, *Rhode Island Governors* (New York: Oxford University Press, 1959) and James B. Hedges, *The Browns of Providence Plantations* (Providence: Brown University Press, 1968).

In the waning days of December 1841, nearly 14,000 Rhode Islanders cast their votes of approval for a constitution that emerged from a convention held in Providence. On New Years Day 1842 members of the Rhode Island Suffrage Association, the organizers of the convention, were hailing the People's Constitution as the state's new governing document. Elections were slated for April. The People's Constitution greatly broadened the suffrage, a long-time bone of contention for the sizeable immigrant and laboring classes who were disenfranchised under the 1663 Charter because they did not own enough landed property.⁶ Irish Catholics in Rhode Island, led by Henry Duff, often compared the movement to enfranchise Rhode Island's sizeable immigrant laboring population to Daniel O'Connell's quest for Catholic emancipation in Ireland.

In 1841-1842, Rhode Islanders of different political persuasions argued that they and they alone, reflected the will of the people. As rural Democrats Elisha Potter and John Brown Francis believed that the enthusiasm for democratic change that was a hallmark of the Jacksonian period had gone to the heads of the common folk. In their analysis, Rhode Island laborers and mechanics who had been on the outside looking in for decades in terms of civic and political life had let the talk of freedom and equality consume them. As a consequence, these ideas had been allowed to run wild and violate the hierarchical order that elites were accustomed to and that they believed made civilized society possible.⁷ Potter and Francis shared James Madison's fears of majoritarian tyranny which the Father of the Constitution saw in the 1780s as the greatest threat to the "public Good and private rights."⁸

⁶ Read the People's Constitution here: <http://library.providence.edu/dps/projects/dorr/pcon.html>.

⁷ Potter to Francis, January 1, 1842.

⁸ Ralph Ketcham, ed., *The Selected Writings of James Madison* (Indianapolis, IN: Hackett Publishing, 2006), 39.

Those on the opposite side of the political spectrum, however, saw the constitutional struggle in Rhode Island as a battle for the meaning of the American Revolution. Did citizens have a right to alter or abolish their form of government when it failed to meet their needs? “If they have not, the great principle for which our civil institutions are founded in this country, namely the will of the people, is a mere mockery and without meaning,” wrote William Sprague, a former governor and newly appointed U.S. Senator.⁹ The legacy of the American Revolution meant that any restrictions on the rights of citizenship, whether it be the right to vote or run for office, were deemed relics of a bygone era. For Thomas Wilson Dorr, the 1776 Declaration of Independence “was not merely designed to set forth a rhetorical enumeration of an abstract barrier to belligerent rights.”¹⁰ In this analysis, Jefferson’s Declaration was not simply a philosophical statement but a political and constitutional document.

In March 1842 Law & Order men were hopeful that a constitution that emerged from a convention called by the General Assembly would draw support away from Thomas Dorr. “The die is cast as far as our political fortunes are concerned in the question relating to the two constitutions and we must make the best fight we can,” wrote Potter to Francis.¹¹ The Law & Order Party used John Brown Francis’s name on various handbills and circulars in order to garner support for the so-called Landholders’ Constitution. This was done without Francis’s approval. The Landholders’ Constitution, which had been begrudgingly framed in late 1841 and early 1842, did not match the People’s Constitution broad expansion of suffrage. “They scout free suffrage or an

⁹ Sprague to Francis, March 2, 1842.

¹⁰ Thomas Dorr to a Committee of the Young Men’s Democratic Association of the County of Philadelphia, July 2, 1845. Rider Collection, Dorr Correspondence (Box 9, Folder 6), John Hay Library, Brown University.

¹¹ Potter to Francis, March 9, 1842.

extension of suffrage and treat every body with contempt who are in favor of it, until they find they are [likely] to lose political power, then they turn round, and tell the people, you can have free suffrage,” wrote a Rhode Island Democrat, who, while not loyal to Thomas Dorr, took umbrage with the half-of-loaf approach to political reform that the Landholders’ Convention took.

Members of the Law & Order Party were outraged when the Landholders’ Constitution was narrowly defeated in mid-March. Though the vote was close, Thomas Dorr and his allies declared it a major victory for their cause and resolved to push ahead with the scheduled April elections under the People’s Constitution. Rumors of civil war began to spread rapidly throughout Providence and the surrounding mill villages. Much to the dismay of Elisha Potter, Jr. and John Brown Francis, the General Assembly, at the behest of the Whig Law & Order men, passed a draconian statute that declared anyone who participated in the elections under the People’s Constitution or who attempted to hold office would be guilty of treason against the state. Moses Brown Ives argued that Suffrage Association members were “deaf to reason – convinced by their designing leader [Thomas Dorr], that they are right” and, therefore, the April 2, 1842 statute was a necessary and just step to round them up and throw them in prison.¹²

At the request of Governor Samuel Ward King’s seven-member executive council, John Brown Francis, Elisha Potter, Jr. and John Whipple journeyed to Washington, D.C., to meet with President John Tyler. In the spring of 1842, King was in his fourth term as governor of Rhode Island. Moses Brown Ives argued that any written “indication from the Executive” that was “adverse” to the Suffrage Association would “at

¹² Moses Brown Ives to Francis, April 6, 1842 and Robert Hale Ives to Francis, April 11, 1842.

once put an end to the further progress of their illegal proceedings.”¹³ The goal of the emissaries was to secure a promise of military aid from the federal government and an open declaration from the President condemning the People’s Constitution. The three men left empty-handed, however.

In late April 1842, despite the lack of a clear statement from President Tyler condemning the actions of those who supported the People’s Constitution, Potter was still hopeful that cooler heads would prevail. He believed that those who had been elected under the People’s Constitution would “desist if proper conciliatory measures were adopted” by the General Assembly.¹⁴

Dorr’s grand inaugural parade through the streets of Providence on May 3 ended any hope Potter had of getting both sides in the dispute to the bargaining table. Over 2,000 people escorted the governor-elect from a square in front of Hoyle Tavern at the corner of Westminster and Cranston Streets to an unfinished foundry building on Eddy Street for the inauguration. Shortly after his inauguration, Dorr took his own trip to Washington to meet with President Tyler. A second set of Charter government emissaries were sent by Governor King to make sure that Dorr did not win favor with the President. This time John Brown Francis stayed at home at Spring Green while Elisha Potter, Jr., and Richard Randolph of Newport made the trip to the nation’s capital. Randolph, an vehement anti-abolitionist and native Virginian, successfully painted Dorr as a radical abolitionist when it was time for his audience with President Tyler.

Linking Dorr to abolitionism was an easy task due to Dorr’s past service on the executive board of the Rhode Island Anti-Slavery Society and past membership in the

¹³ Moses Brown Ives to Francis, April 8, 1842.

¹⁴ Elisha R. Potter, Jr., to Francis, April 28, 1842.

American Anti-Slavery Society. Randolph insinuated to Tyler that Dorr intended to promulgate his revolutionary doctrine of the people's sovereignty in the South and, therefore, incite slave revolts. However, while Tyler did reinforce the Army's presence in Newport he still did not authorize federal troops to leave their garrison at Fort Adams as Randolph wanted. Perhaps influenced by Potter's call for moderation, Tyler hoped for cooler heads to prevail. This task would become increasingly difficult once Dorr arrived back in Providence.¹⁵

In Providence on May 16 word quickly spread that Thomas Dorr, the "People's Governor," was returning from his ten-day sojourn that included stops in Washington, D.C., Philadelphia, and New York City. Dorr's goal was to take up the reins as the state's new chief executive under the People's Constitution. On the night of May 17, Dorr's attempt to attack the state's arsenal in Providence backfired when a damp, heavy fog prevented his cannons from firing.¹⁶ Dorr escaped out of the city and eventually made it to the Bowery Lane district of New York City where he resided for over a month. Senator William Sprague sincerely hoped that the \$1000 bounty on Dorr's head would "drive him out of the country."¹⁷ However, as Moses Brown Ives noted, Dorr was not one to "give up" easily.¹⁸

In late June, Dorr, along with the few loyal followers that remained, attempted to reconvene the People's legislature in the village of Chepachet in northern Rhode Island.¹⁹

¹⁵ For an account of a last ditch attempt at a compromise see Patrick T. Conley, *Democracy in Decline: Rhode Island's Constitutional Development, 1776-1841* (Providence: Rhode Island Historical Society Publications, 1977), 335.

¹⁶ Howard R. Ernst, "A Call to Arms: Thomas Wilson Dorr's Forceful Effort to Implement the People's Constitution," *Rhode Island History* 66 (Fall, 2008), 59-80.

¹⁷ Sprague to John Brown Francis, June 12, 1842.

¹⁸ Moses Brown Ives to John Brown Francis, April 11, 1842.

¹⁹ For an informative discussion of Chepachet see Clifford J. Brown's essay on the Dorr Rebellion on the website for the Chepachet Free Will Baptist Church: <http://www.chepachetfreewill.org/dorrrebellion.htm>

The defensive Dorrite forces that assembled at Chepachet were less than several hundred in number and all were ill-trained and ill-equipped to face the nearly 2,500 militiamen representing the Charter government then descending upon the tiny village. While Dorr's men were quickly discharged from duty before the Charter forces arrived, many were arrested on the roads as they attempted to return home. Chepachet residents were forced to endure an epidemic of petty theft and foraging as Charter troops ransacked their town. Under a decree of martial law by Governor King, more than 250 men were arrested statewide and many homes were searched and people indiscriminately arrested on the presumption of being Dorr sympathizers.²⁰

Many Dorrites fled across state lines into Massachusetts and Connecticut to avoid capture.²¹ After hiding out briefly in Guilford, Vermont, Dorr went to Westmoreland and then to Concord, New Hampshire where he lived with Democratic Governor Henry Hubbard.²² In Dorr's absence, another constitutional convention convened in Newport at the Colony House. The letter and spirit of Dorr's reforms remained unimplemented in the document. Though the franchise was extended to those native-born males who met age and residency requirements, the \$134 freehold suffrage qualification for naturalized citizens was maintained even after the gross inequities of Rhode Island's political system were prominently exposed. This provision, which prevented the state's large Irish Catholic population from voting, was not removed until 1888. The constitution also made

²⁰ For a detailed account of arrests under martial law see Russell J. DeSimone, *Rhode Island's Rebellion: Dorrite Prisoners of War* (Middletown, RI: Bartlett Press, 2009). These pamphlets can be found at numerous institutions, including the Providence Public Library, the John Hay Library at Brown University and the Rhode Island Historical Society Library.

²¹ See Erik J. Chaput, "'Let the People Remember!': Rhode Island's Dorr Rebellion and Massachusetts Politics, 1842-1843," *Historical Journal of Massachusetts* 39 (Summer 2011), 108-143.

²² See Erik J. Chaput, "A Governor in Exile: New Hampshire and the 'Rhode Island Question,'" *Historical New Hampshire* 66 (Winter 2012-2013), 91-119.

no provision for a secret ballot or the calling of future constitutional conventions, both of which were provided in the People's Constitution.²³

After spending over a year in exile with a \$5000 bounty on his head, Dorr decided to return to Providence. The 1843 elections under the new constitution spelled the death knell for his movement. The only thing left to do was to turn himself into a political martyr. Dorr offered himself up for arrest in Providence on October 31, 1843.

Dorr was kept in the Providence jail until February 1844 when he was transported to Newport for trial and thrown in the Marlborough Street jail.²⁴ Following a trial before a kangaroo court, but before sentence was pronounced, Dorr gave an eloquent ten-minute address that summarized the doctrine of popular sovereignty. He told the court that the sentence that they were about to pronounce was "a condemnation of the doctrines of '76 and a reversal of the great principles which sustain and give vitality to our democratic Republic and which are regarded by the great body of our fellow-citizens as a portion of the birthright of a free people."²⁵ Dorr was sent to Providence on June 27 where he entered the new state prison that John Brown Francis helped to erect several years before during his term as governor. The prison log book notes Dorr simply as prisoner number '56.

While the Law & Order Party lasted until after the general election of 1847, it began to unravel shortly after the defeat of Dorr in June 1842. Following Dorr's arrest in 1843 and his unfair trial in 1844, there were signs of the party's ideological fractious

²³ See the text of the Law & Order Constitution here: <http://library.providence.edu/dps/projects/dorr/locon.html>, along with Professor Patrick T. Conley's informative discussion: <http://library.providence.edu/dps/projects/dorr/video.html>

²⁴ Newport authorities had recently repaired the jail after labor leader and ardent Dorrite Seth Luther set fire to it in order to escape incarceration. For a detailed treatment of Dorr's treason trial see Erik J. Chaput "'The Rhode Island Question' on Trial: The 1844 Treason Trial of Thomas Wilson Dorr," *American Nineteenth Century History* 11:2 (June, 2010), 205-232.

²⁵ Turner and Burges, *The Treason Trial of Thomas Wilson Dorr*, 112.

nature. In early 1845 a break-away group under the name of the Liberation Party formed for the sole purpose of seeking Dorr's release from prison. The party secured the election of Charles Jackson, an industrialist of Irish Protestant ancestry, as governor. Dorr was liberty on June 27, 1845.

In the letters that follow students will find the views of moderates Democrats, such as John Brown Francis and Elisha Potter, Jr., well represented. Letters from Moses Brown Ives and his brother Robert Hale Ives are emblematic of the conservative wing of the Law & Order Party. These letters, which are accompanied by headnotes and oographies, should be studied in conjuncture with Thomas Dorr's digitized correspondence.