

## WAYLAND'S TOWN MEETINGS THROUGH THE AGES

by C. Peter R. Gossels

Peter Noyes, a yeoman or freeholder, who had owned 63 acres of land in Weyhill, Hampshire, England, Brian Pendleton, a town official in Watertown as well as a real estate investor, and Edmund Brown, a minister, who had arrived in Massachusetts from the neighborhood of Sudbury in the County of Suffolk, England, crossed the Atlantic, met and settled in Watertown, Massachusetts in the 1630s, as King Charles I's attempt to impose the Anglican liturgy throughout the land led to the English Civil War between the royal Anglican faction led by King Charles I (the Cavaliers) and the Parliamentary faction (Roundheads) composed mostly of middle class Calvinist Presbyterians and Puritans. The war ended when the Parliamentary forces under Oliver Cromwell defeated the forces of King Charles I in 1649 and beheaded the king.

While those men were living in Watertown, Massachusetts towns were governed by the "freemen" of each town, who were authorized by the Great and General Court of the Massachusetts Colony "to dispose of their own lands and woods ... to grant lots and make such orders as may concern the well ordering of their towns ... They were authorized to impose fines ... and to choose their own ... officers such as constables, surveyors of the highways and the like."

Who were these "freemen"?

In order to qualify as a "freeman", a person had to be a member of the Puritan church. As a result, men like the Reverend Thomas Hooker, who could not abide the Puritan divines, who dominated Massachusetts politics in the early days, could not qualify as a freeman. Hooker also believed in universal suffrage and, therefore, left

Massachusetts in 1636 by way of the old Indian trail, now called Old Connecticut Path and settled in what became Hartford, Connecticut. Hooker's settlers also helped to create that state. Roger Williams, who had been banished from Massachusetts in 1635 for sedition and heresy, also left in 1636 and ultimately founded the city of Providence.

When Peter Noyes, Brian Pendleton and Edmund Brown arrived in Watertown, much of the best land had already been allocated to the first settlers of the town in 1635, leaving the later arrivals suffering from "straightness of accommodation and want of meadow" to raise their cattle.

Instead of leaving Massachusetts to seek their freedom and as much meadow as possible, the Messrs. Noyes, Pendleton and Brown decided to petition the Great and General Court of the colony of Massachusetts some time before November 20, 1637, to grant them land to build a plantation or settlement on the Musketaquid (Sudbury) River south of Concord, only 10 miles or so by way of the Old Connecticut Path from Watertown. The General Court granted their petition on September 6, 1638 and authorized them to "go to their plantation and allot the lands". Excluded from this grant were three large "farms" located in the southern part of Wayland that had previously been granted to Henry Dunster, the second president of Harvard (600 acres), Elizabeth Glover, a widow whom he married (600 acres), William Jennison (200 acres) and Herbert Pelham, whose 400 acre "farm" is still referred to as "Pelham Island".

In order to acquire the five square miles or so "granted" to them by the Great and General Court, the settlers first had to obtain a deed from Karte, a native American also known as "Cato" and "Goodman", who lived at or near Goodman Hill Road in Sudbury and claimed to own the land granted to Messrs. Noyes, Pendleton and Brown by the General Court. Some time in 1638, Karte sold the land to "the planters of Sudbury".

Karte conveyed an additional tract of land along the westerly border of Sudbury said to contain another square mile of land to the planters of Sudbury in 1640 for five English pounds in commodities and wampumage. Five pounds, in those days, was the price of a cow, at least in some places.

Sometime during the Fall of 1638, the Messrs. Noyes, Pendleton and Brown led about seventy-eight settlers down Old Connecticut Path to the eastern shore of the Musketaquid River near the North cemetery in what is now Wayland, a fertile and pleasant place to settle (during much of the year), to raise their families, cattle, pigs and crops. Compared to Thomas Hookers' expedition to what was to become Hartford or even Roger Williams' trip to Rhode Island, the founders of Sudbury/Wayland arrived here after what may be referred to as a "stroll" through a section of Watertown that was to become the city of Waltham and the town of Weston. The trip probably took no more than a day or two.

Having left Watertown where the influence of the Puritan church was palpable, the first settlers decided that all male adult residents of Sudbury, who had been granted common land, were considered "free townsmen" to vote and hold public office, as long as they lived in Sudbury, paid their "rates", as taxes were called then, and participated in whatever town task that the town meeting might have imposed on them, such as helping to build the original "highway" to Watertown. Indentured servants, Native Americans, slaves and women were not allowed to participate in government, however, unless a woman owned land in her own name, according to Sumner Chilton Powell, who wrote that wonderful book about the early years of Sudbury/Wayland entitled "Puritan Village".

On September 4, 1639, about a year after the first settlers arrived on the banks of the Musketaquid, the town was formally incorporated by the General Court as the “newe Plantation by Concord ... called Sudbury”.

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I am grateful to Joanne Davis for providing me with a copy of the first 94 pages of Sudbury’s Town Book dating back to 1639, which cover the first ten years of the town’s political records. Unfortunately, the Town Book tells us little about Sudbury’s earliest town meetings. It is, in fact, not clear from the Town Book if there were any town meetings, as such, held during the first five years of the town, because the orders and grants of land were generally signed, variously, by Brian Pendleton, Peter Noyes, Walter Hayne and Edmund Rice, Edmund Brown and/or George Muning, who had represented the Town when it purchased the first five square miles from Karte. These men signed their names in the Town Book without claiming a title, although they may have thought of themselves as “commissioners” who drew their authority from the General Court.

The first town meeting may have been held in or about April, 1640, because the Town Book refers to the “inhabitants of the towns” as having ordered and agreed that certain lands be laid out. By 1641, the town orders are attributed to the “freemen of the town”. In 1642, the Town Book refers to “the general consent of the townsmen”.

On February 17, 1642, Wayland hired John Rutter to construct a meeting house 30 feet long and 20 feet wide with six clearstory windows, two with four lights and four with 3 lights apiece. The frame was to be raised during the fourth week of May 1642, but for reasons untold, the frame was not actually raised until May 16, 1643, a year

later. Sudbury's first meeting house, which was located at the Town's north cemetery just off Bow Road, was designed to serve as a place of assembly for the residents of Sudbury, for social gatherings, for town meetings and for worship services. It was not heated, forcing those at town meetings in later years to adjourn the proceedings to one of the local inns.

It is likely, I believe, that Sudbury's first formal town meeting was held some time in 1643 after the residents were summoned to the new meeting house by drummers hired by the Town. There were no newspapers or television stations in Sudbury after all. And votes were apparently counted as they are in Parliament today by dividing the house. Those supporting the main motion were asked to gather on one side of the room, while those who were contrary-minded were instructed to gather on the other side.

By April 25, 1644, it appears that Peter Noyes, Walter Hayne, Edmund Rice, Brian Pendleton, William Ward, John Goodnow and Edmund Goodnow were granted the authority to "dispose of the Towns affairs for one year" as our Selectmen are charged to this day. These men were also given the authority to dispose of upland as Edmund Brown, Brian Pendleton, Walter Hayne and George Muning had been authorized to do in 1639 in their capacity as commissioners, except that the authority of the 1644 body to dispose of such upland was limited to six acres.

The first reference in the Town Book to a vote of a general town meeting appears in the November 30, 1646 entry and the first reference to "select men" appears in the November 29, 1647 entry.

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A lot has occurred since then:

After several years of heated controversy among the settlers of Sudbury, a group of about 47 young people from Sudbury/Wayland led by John Ruddock and Edmund Rice obtained a new grant from the General Court to found the town now known as the City of Marlborough, because they had not been able to persuade Sudbury's selectmen to grant them the land they needed to support themselves.

In 1675, Metacomet, the son of Massasoit, known to the English as "King Philip", began a series of attacks on settler towns, including the bloody ambush in Sudbury that occurred in April, 1676, until he and his Native American supporters were defeated later that year.

On July 2, 1776, one hundred years later, the American colonies declared their independence from England and her royal family. (Yes, it was on July 2 that the vote for independence was taken.) Four years later, in April 1780, the inhabitants on the eastern side of the Musketaquid River, now known as the Sudbury River, finally persuaded the General Court to allow them to organize a separate town, which was named East Sudbury. Its new legislature, like that of other towns, was the town meeting.

Massachusetts abolished slavery in 1783, three years later, based on the opinion of the Supreme Judicial Court in *Commonwealth v. Jennison*, commonly known as the Quock Walker case.

In 1835, the Town Meeting of East Sudbury decided to change the name of the Town to Wayland. No one knows how that name came to be chosen.

At some time in the 1800s, the General Court directed Massachusetts towns to elect their selectmen, their treasurer and other town officers by ballot rather than by vote of town meeting, presumably to give those who could not, or did not, attend town meeting a chance to vote for those officers without disclosing whom they had voted for.

In 1850, the Town of Wayland established the first free public library in Massachusetts, the second in the United States.

In 1861-1865 residents of Sudbury and Wayland served in the Civil War.

They did so again between 1917-1918, the First World War.

On August 26, 1920, the Secretary of State of the United States proclaimed that the 19<sup>th</sup> Amendment to the Constitution of the United States had been ratified declaring that “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.”

Residents of Sudbury and Wayland served in the armed forces of the United States during the Second World War (1941-1945) and later in the Korean War (1951-1954).

After the end of the Second World War, Wayland welcomed an unprecedented surge of new residents and large new subdivisions, like Woodridge, were developed to accept these young people. From a population of 3,904 in 1945, Wayland grew to 13,282 in 1975. Four new schools were built to educate the children, including a high school campus that was discussed and admired across the country. Our population has barely increased since then.

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When Nancy and I arrived in Wayland in the Spring of 1961, fifty years ago, Wayland enjoyed its first town meeting in the gymnasium of the new high school, which had been featured on the cover of Life magazine. Town Meetings were held in March then, when it was still cold, especially for those who went outside to smoke, a common activity at the time. Roger Stokey was our Moderator, Tom Linnehan chaired the Board of Selectmen and Bob Morgan served as chair of the Finance Committee. Everyone, except for Leila Sears, the Town Clerk, faced the Moderator at town meeting, which appropriated a total budget of \$2,234,918.84 to run the town including \$10.00 for the Moderator's salary. Votes were counted by voice vote or by standing counted votes. This year, by comparison, our operating budget totaled almost 71 million dollars and our capital budget was \$4,740,000.00, but there was no salary for the Moderator. And, we no longer show cents as part of our line items, nor do we pay our taxes with corn and other such items as our ancestors did.

Town Meetings in the 1960s and 1970s under Roger Stokey and his successor, David Leith, were conducted in a manner not so different from those during the last thirty years, with some important differences: The School Committee and the Finance Committee offered lengthy oral reports each year that often required forty minutes to complete. Anyone wishing to speak had to be recognized by the Moderator and wait for a high school student to bring him or her a microphone on a long cord. Speakers who agreed with each other often monopolized debate, because the Moderator had to guess what a speaker might say before recognizing the speaker. The average time needed to dispose of an article was generally much greater than it is today, unless the Moderator made a special effort to urge speakers to curtail their remarks. And the conduct of town meetings was entirely left to the discretion of the Moderator because Wayland had



adopted no rules to regulate how town meetings would be conducted, except for a few by-laws.

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By 1982, the Town approved a budget of \$13,331,439.00. The Moderator was obliged to run for office every year.

One of the first things I did when I was first elected in 1982 was to invite any one, who wished to serve refreshments at town meetings, to apply in order to improve attendance at town meetings by making them more pleasant and convivial. The second thing I did was to invite voters to “workshops” designed to improve the workings of town meetings. These “workshops” were well attended and produced some valuable suggestions.

By 1986, I had compiled rules and regulations that I would follow in conducting our town meetings and caused them to be published in each warrant for all to see. Four years later, I authorized our cable channel to broadcast town meetings live, despite the objections of those who thought it might reduce attendance at town meetings. There is evidence that these broadcasts have, in fact, encouraged attendance, because they have educated many residents, who had moved to Wayland from outside of New England, about our legislative process.

According to records I have kept about town meetings, attendance during the last twenty-five years have averaged 349. This year’s attendance was 329; in 2010, it was 465; in 2009, it was 326; but during the years 2005 through 2008, it averaged 654.

Attendance depends largely on the controversial nature of the issues before town meeting, because controversy tends to generate interest and attendance.

I have introduced other innovations to make town meeting more efficient and user-friendly.

1. I imposed time limits on every voter who wishes to address the voters in town meeting assembled, including members of the School Committee and the Finance Committee, as well as limits for debate on each article. These limits have cut the time needed to dispose of the average article by nearly 50%.

2. Borrowing an idea from the League of Women Voters, I provided microphones for those who wish to speak in favor of the main motion, another for those who wish to speak in opposition to a motion and a procedural mike for presenting the main motion, the position of the principal opponent and for those who wish to raise procedural issues. The objective of those three mikes was to save time as voters lined up behind the mike of their choice. The mikes also allow the Moderator to create the semblance of a civilized conversation by recognizing speakers at the pro and con mikes so that both points of view, and then some, could be heard one after the other.

The only traveling mike now in use is to serve voters who are handicapped.

3. I always invited an opponent to the main motion to come forward and gave that person equal time to present that position. In the past, opponents were sometimes not recognized or given equal time.

4. I also insisted that the tellers, who counted standing counted votes, announce the result of their count to the voters, not to the Moderator alone.

5. In 2005, I appointed twenty-three volunteers to a Town Meeting Study Committee that issued a 21-page report full of suggestions to improve attendance at town meetings, many of which were implemented.

6. In 2006, I published the Moderator's Handbook for Wayland Town Meetings, which contained a user-friendly description of Wayland's town government and town meetings. When the first edition was exhausted, I published an updated edition in 2009.

7. In 2010, I appointed Dennis J. Berry as Wayland's first Assistant to the Moderator in order to help the Moderator count the votes, to answer questions from voters during the course of each session of town meetings, thereby saving some time.

I also appointed a Town Meeting Advisory Committee to help the Moderator carry out his or her duties, a Town Meeting Facilities Committee to help make town meetings more efficient, convenient and comfortable as well as a Town Meeting Procedures Subcommittee to advise the Moderator on how to make town meetings more efficient and user-friendly. Contributions by the members of those committees helped to make the 2011 Annual Town Meeting more agreeable for those who attended.

8. There were other innovations for which I can not claim credit, including the by-law that requires those who wish to offer a main motion that differs from the article in the warrant by more than twenty-five words to provide a printed copy for every one attending town meeting.

9. But the biggest innovation during my time in office, for which I can not claim credit, was the introduction, on a trial basis of electronic voting. The person who persuaded the Town to try this method of counting the vote was Alan Reiss. As soon as the town meeting had voted to try electronic voting on an experimental basis at the expense of the manufacturer, I appointed a distinguished committee of IT experts, led by Dave Bernstein, to implement the project. I referred to the committee as the Electronic Voting Implementation Subcommittee, or ELVIS for short. The ELVIS committee worked on this project for nearly a year and brought it to the 2011 Town Meeting. By reason of their efforts, I became the first Moderator in the United States to preside over a town meeting that counted the votes by using a handheld wireless device, a computer and a monitor at the front of the hall, which tallied the vote instantly for all to see.

Although the Town was persuaded to adopt electronic voting to shorten town meetings by reducing the time needed to count the vote, its real importance is that the voters were able to cast their vote without disclosing their position to their neighbors. Wayland had previously followed a procedure to shield the voters from intimidation called a "secret ballot", but it was very time-consuming and rarely approved by town meetings. During my thirty years as Moderator, I can recall only two other occasions when we voted by secret ballot.

Based on my reading of the public reaction as well as that of the Selectmen and our new Moderator, Dennis Berry, to our experiment with electronic voting at this year's Annual Town Meeting, I believe that we have entered a new era this year when standing counted votes will no longer try our patience and even the Moderator and the Town Clerk will be able to vote privately.

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Our Colonial ancestors left us a precious legacy: a unique form of pure democracy practiced nowhere else in the world, where each voter in town meeting assembled can participate in making the decisions that affect their life, liberty and property. Our Colonial forefathers and mothers chose to sacrifice their lives to preserve and protected those democratic institutions as the citizen soldiers in Libya, and the citizens of Egypt, Tunisia and Syria are doing today, in the hope that they, too, will be able to participate in their own governments.

Despite all the changes we have implemented to make our town meetings more efficient and comfortable for Wayland's voters, too many residents of Wayland have abdicated their precious right to attend, participate in our town meetings to vote and to question our town officials face-to-face. They will tell you that they are too busy, that babysitters cost too much money and that town meetings are boring and take too much time .... As a result, they seem content to allow our elected officials and their professional assistants to exercise their right to make decisions that affect our lives and pocketbooks.

What the residents do not appreciate is that we continue to hire high priced professionals, who constantly demand that we finance additional projects in their bailiwick, instead of relying, as we did in the past, on our vast reservoir of very talented professionals, who have volunteered to help our elected officials. The fine work of the members of the ELVIS Committee is only one recent example of how volunteers contribute to Wayland's town government.

We can not please everyone, of course, or satisfy the needs of those who can not, or will not, dedicate a few evenings each year to exercise their right to participate in town government; but we have tried and must continue to encourage everyone to participate in Wayland's government by running for office, by volunteering to serve on a committee or board, or by coming to our town meetings whenever they can, lest we be taxed and governed, one day, by professional politicians and their employees.