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BANKS, POLITICS, AND POLITICAL PARTIES:
FROM PARTISAN BANKING TO OPEN ACCESS IN EARLY MASSACHUSETTS

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ABSTRACT

The United States was the first nation to allow open access to the corporate form to its citizens. The state of Massachusetts was not only one of the first states to provide its members with legally sanctioned tools to create organizations and enable open access but, on a per capita basis, had many more banks and other corporations than other states as early as the 1820s. Nonetheless, Massachusetts did not open access easily. This paper documents that until 1812, bank charters were only available to members of the Federalist Party in Massachusetts. When the Democratic-Republicans gained control of the state legislature and governor's mansion in 1811-12, they chartered two new Democratic-Republican banks and threatened to eliminate most of the Federalist bank. The paper documents the close association of politicians and bankers. Before 1811, close to three-quarters of all the bankers we can identify had been or would eventually become a state legislator. The evolving relationships between politics and banking, the eventual opening of banking, and the wealth of bankers are tracked into the 1850s.

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The United States was the first nation to allow open access to the corporate form to its citizens. The state of Massachusetts was not only one of the first states to provide its members with legally sanctioned tools to create organizations and enable open access but, on a per capita basis, had many more banks and other corporations than other states as early as the 1820s. Early nineteenth century Massachusetts is a natural place to look for the social processes that enabled societies to create large numbers of independent organizations, the central question of this volume. A large literature describes what happened in Massachusetts as well as explanations for why it happened. The title of Pauline Maier's article "The Revolutionary Origins of the American Corporation" gives the flavor of answers: political events in the revolution created the conditions under which democracy emerged and the movement toward modern corporations and open access to those corporate forms almost inevitably followed. The Handlin's classic *Commonwealth: A Study of the Role of Government in the American Economy, 1774-1861* has much the same tone and analysis. The state found itself confronted with political demands for corporate charters from a wide variety of citizens that it simply could not deny.¹

Viewed from a narrow perspective, the Handlins' and Maier's explanation that Americans adopted open access for organizations because of the political and economic dynamics set in motion by the movements towards democracy in the colonial experience and the revolution is certainly correct. Something definitely happened to political and economic institutions in Massachusetts that led to open organizational access. A similar adoption of democratic political institutions in other societies, however, did not lead to open organizational access, for example,

¹ "The public purpose which justified extension of government powers to a bank, to a bridge, and to a factory soon comprehended a wide and ever widening circle of enterprises. The Commonwealth's concern with the entire productive system, its solicitude for the welfare of many diverse activities, all interdependent and all adding to the strength of Massachusetts, quickly put the corporate form to the use of many new ventures. The political balance deflated any notion of keeping the device exclusive; the expansive thinking, the excited spirits of the young state, brooked no casual denial. Charters in steadily mounting volume clothed with living tissues the skeletal hopes for an economy to serve the common interest." (Handlin and Handlin, 1969, p. 106)

in Latin American after independence. Those societies tried democracy, repeatedly, but elites persistently frustrated attempts to open political and economic organizations to a wider spectrum of the population.

Intra-elite conflict does not play a central role in early American history. The Handlins, Maier, and many others focus on the emergence of an inclusive political democracy, contested but nonetheless ultimately triumphant.² These histories subsume intra-elite conflict into intra-party competition in the new American democracies (national and state), which can lead us to miss an important set of institutional changes that made inclusive democracy feasible. If most societies fail to develop politically and economically because they cannot solve the problem of intra-elite conflicts, including conflicts about the formation of organizations, then we would like to know how the United States managed to solve the problem. An American history that passes over the intense conflicts between elites in the early 19th century hamstrings our ability to understand what happened in Massachusetts as well as why it happened. If intra-elite conflict in Massachusetts produced a political crisis that was resolved by allowing all elites to form organizations, in effect moving from limited to open access to organizational tools, then learning that history should help us understand some of the dynamics involved in opening access.

To be clear, we are not arguing that a competitive electoral democracy was not an important element of what happened in Massachusetts: it was. We are arguing that a competitive electoral democracy was neither self-implementing nor did it produce open access.

Massachusetts began its history as a state with a Federalist political party that dominated the highly profitable banking industry by actively suppressing the entry of banks associated with political competitors. When the opposition party, the Democratic-Republicans, finally got in

² For recent general histories see Wilentz (2000) and Howe (2004). Inclusive political systems are a key element in Acemoglu and Robinson's (2012) concept of modern development.

power, they threatened to destroy the Federalist banks and create new Democratic-Republican banks in 1812. In simple terms, if competitive democracy meant periodic alternations of the party in power, and party shifts signaled the destruction of valuable existing economic organizations like banks, then there were two basic ways to protect valuable economic organizations. One alternative was to restrict the scope of competitive democracy, reducing or eliminating the possibility of changes in party control of government. The other alternative was to put in place institutions that allowed all elites to form economic organizations at will, so that when governments changed there would be no threat to existing or potential economic organizations.

The second alternative offers the possibility of a more subtle explanation of how the intra-elite competition that characterized early 19th century Massachusetts, and the rest of the United States, may have led to open access. North, Wallis, and Weingast (2009) argue that, in most societies, intra-elite competition and violence is moderated by the creation of elite economic rents which sustain coordination within the elite coalition. Under the right conditions, competition within and between elites can lead elites to move towards rules that allow all of them to form organizations. In order to bring those ideas down from an abstract conceptual level to a concrete historical sequence we need to establish historical corollaries for the conceptual ideas. First, the idea of “elites” must be made operational. We do that by identifying elites as individuals who were both a state legislator and a bank president or director sometime in their lives. Next, competition between the elites must be identified, which we do by examining the pattern of bank chartering across the two major political parties between 1790 and 1815. Then a crisis in which one faction of elites credibly threatens to harm the organizations of the other faction’s must be detailed, which happens in Massachusetts in 1812 when the Democratic-

Republicans threaten to allow the charters of all the Federalist banks to lapse. Finally it must be shown that elites move toward open access for all elite factions, which we show by looking at the association between bankers, legislators, and parties after 1815.

Banking offers a particularly rich area to explore the economic and political dynamics of elite competition because of the close connection between politics and banking. We show that despite its democratic origins and active political competition from the 1780s onward, Massachusetts did not open access easily. Entry into banking was limited and highly partisan in the first thirty years of statehood. Citizen demands for bank charters were often not met. Despite two competitive dominant political parties, the Federalists and Democratic-Republicans, which were roughly balanced politically in numbers, a large percentage of banks and bankers were Federalists until 1811 and Democratic-Republicans were denied charters.³

When the Democratic-Republicans gained simultaneous control of the House, Senate, and Governor's office for the first time in 1811, they threatened to disband the Federalist banks and chartered two new banks dominated by Democratic-Republicans. In the wake of the political crisis of 1811 and 1812, Massachusetts made a permanent change to open access banking. Banking was still dominated by elites, but access to banking was no longer limited.

While the connection between political parties and banking seems to have been broken after 1813, the close connection between politics and banking continued. From 1813 to 1860, between 40 and 50 percent of all bank presidents and bank directors also served in the state legislature at some point in time. Unlike the earlier period, however, no political party dominated banking the way the Federalists had before 1811, and no groups complained about systematic exclusion from bank chartering. Banking remained an elite occupation throughout

³ In the late 18th and early 19th century the "Democratic-Republicans" were also often called either "Republicans" or "Democrats." Because the paper goes to 1860, a period in which the National Republicans, the Democrats, and the Republicans formed parties, we stick with the lengthy "Democratic-Republican" name.

the entire period, but it ceased to be an occupation only available to politically connected elites as evidenced by their party affiliations. Control of bank entry ceased to be a mode of intra-elite competition.

Massachusetts matters for the larger questions posed in this volume. The revolutionary experience and early American experiments with democracy did not immediately or inevitably produce open access to the corporate form. The partisan political competition unleashed by the adoption of competitive electoral democracy initially resulted in partisan control of banking and limited entry. Equally important, open access banking did not result from a divorce of economics and politics in Massachusetts. Massachusetts did not eliminate, or try to eliminate, elites. The state did not miraculously discover that politics should no longer be involved in banking. What changed was the government's role as coordinator and arbitrator of elite factions or coalitions. In the early years of the Commonwealth government was systematically used by the dominant elite faction, the Federalists, to create banks that favored the Federalists. Eventually elites came to see that the interests of all the dominant political factions would be better served if the government coordinated access to the privileges of corporate banking by making charters available to all individuals who met impersonal criteria. This was not the result of a Jacksonian democracy levelling process, bankers remained elites and closely connected to the political process, but the manipulation of economic privileges by organized political parties stopped. We show that despite opening access in banking, bankers as a group did not lose their privileged economic status as measured by their assessed property income.

We begin with the history, both a general overview and then detailed consideration of four different periods and the connections between bankers, legislators, and parties as well as state

banking policy in each period. We present more evidence on bankers and legislators as elites, and close with some lessons for the larger questions.

III. History

We divide the history of banking policy in Massachusetts into four periods. The first, from statehood until 1811, banking was dominated by the Federalist party. Of the 23 banks that were chartered, all but a handful were connected directly with the Federalist party. At one point, 80 percent of the bankers that we can identify, either bank presidents or directors, were state legislators at some point in their life. This was a well integrated political and economic elite. The second period was the brief interlude between 1811 and 1815. In 1811 and 1812, Democratic-Republican Elbridge Gerry, of gerrymandering fame, was governor and, in his second term, the Democratic-Republicans controlled a majority in the House and Senate for the only time between 1790 and 1830. In that narrow window the Democratic-Republicans chartered two new Democratic-Republican banks and threatened to close all but one of the existing Federalist banks. The third period from 1815 to 1829, saw continued political competition between the two parties, but a gradual opening of access to banking. This culminated in a general regulatory act for banks in 1829. The Act required that all bank charters be identical, and that any new privilege granted to one bank must apply to all banks. The last period from 1830 to 1860 was essentially a period of open access, without strong party ties to bank entry. The sections that follow track the number of bankers and their association with legislators and political parties. Before doing so, a general overview lays out the ground.

From the early 1780s on, Massachusetts had an elected government comprised of a Governor, a Senate, and a House. Annual elections for all three were held in May, with terms

that ran until the next election (so, for example the legislature elected in the spring of 1811 held sessions in both 1811 and 1812, and the Governor served in both years as well).⁴ Towns had the opportunity to send representatives or not, so the number of legislators fluctuated, sometimes wildly. Figure 1 gives the number of legislators by legislative year.

The early years of the 19th century, from 1792 to 1824, the first national party regime, was dominated by Federalists and Democratic-Republicans. The second national party regime from 1829 to 1859 included National Republicans, Whigs, Democrats, Americans, Know Nothings and other parties. In the first national party system, two parties dominated for roughly thirty years. In the second party system, multiple parties competed with each other, both over time and at any point in time.

The fortunes of the parties in Massachusetts can be followed in Figures 2 – 5. We take the overall party composition of the each legislature from Dubin (2007).⁵ Figure 2 gives the party composition of the Senate for the first period, 1797 to 1824, and Figure 3 gives the party composition of the Senate for the second period. Figures 4 and 5 show the party composition of the House for the two periods as well. We take the party identification of individual legislators from the Massachusetts *Legislative Biographies*. There are no party IDs before 1787, which is when Dubin's data start.

While Federalists dominated the Senate in the earliest years, the Democratic-Republicans were able to compete effectively from roughly 1805 on and controlled a majority in six legislatures from 1808 to 1824. The House follows roughly the same pattern as the Senate.

⁴ The 1820 Constitutional Convention proposed an amendment that would have moved the beginning of the political year to the first Wednesday in January, but it was rejected by the voters. Ten years later, the voters ratified Amendment X of the constitution making January the start of the political year. After 1832, the legislative sessions start in early January and end in late March or April.

⁵ Dubin's data on party affiliations in Massachusetts begin in 1797.

Federalists dominated the early in the period, but Democratic-Republicans were competitive after 1805, controlling the majority in 4 sessions.

In the second party system, a kaleidoscope of parties contended for control of the Massachusetts Senate and House, Figures 3 and 5. The National Republicans and then the Whigs usually controlled a majority of Senate seats, but in a much more competitive political regime. National Republican, Whig, and then Republican domination of the House is also apparent, again in the context of extensive party competition and entry.

Massachusetts was an innovator in banking as well. Throughout the early 19th century the state had more banks and more bank capital per capita than any other state (Wallis, Sylla, and Legler, 1994.) The number of banks in operation each year is given in Figure 6. We take data on banks, bank presidents, and bank directors from the *Massachusetts Registers*. Our count of banks closely tracks the count of banks in operation of Warren Weber, except for the period between 1837 and 1848 when the *Register* does not provide any information on banks outside of Boston. The number of new banks entering the sample is shown in Figure 7. Our sample matches closely the data on bank charters collected by Richard Sylla and Robert Wright, shown in the figure.

Tabular data on banks and bankers is presented in Tables 1, 2, and 3. The *Massachusetts Registers* report information in every year on banks in operation, bank presidents, and bank directors. In most years, bank directors are only available for banks in Boston. No data was collected on banks outside of Boston, the “country” banks, between 1837 and 1848, as shown in Figure 6. After 1852, the *Registers* contain a list of all bank directors for all banks in the state. We matched individual bankers from the *Registers* to the complete biographies of Massachusetts state legislators.

Table 1 shows the number of bankers in the *Registers* for roughly decade intervals. The numbers are banker years, since a banker can appear in more than one year. The total number of banker years are in column (1), the number of those bankers who were a legislator at some point in their life in column (2), the number of bankers who were legislators whose party ID was reported in the legislative biographies in column (3), and the share of those in the total sample of bankers. The signal feature of the table is that over 70 percent of all banker years were for individuals who were also legislators at some point in their lives before 1819. After 1820 that share falls steadily to 44 percent in the 1850s. The dramatic increase in the number of bankers in the last row of the table reflects a growth in banking and in the fact that the *Registers* reported all of the bank directors of all the banks after 1852. The full population of bankers after 1852 has the same proportion of bankers who were also legislators than the preceding decades: the undercount of country banks does not appear to bias the estimated relationship between bankers and legislators.

The *Registers* provide information on bankers each year, and since some bankers appear in multiple years, the data in Table 1 give heavier weight to bankers who served longer terms. Table 2 includes each banker only once, the year that they first appear in the *Registers* and enter the banker sample. The table lists the number of bankers who entered the sample in each time period, column (1), and whether they were only a banker, column (2), or had been or became a state legislator, column (3), and the shares of those measures in columns (4) and (5). The same time pattern appears in Table 2 and in Table 1, but is less marked. Bankers who were also legislators tended to be bankers for a longer period, and thus have a greater weight in Table 1, column (5) than they do in Table 2, column (5).

Table 3 groups the bankers into three longer chronological periods, roughly corresponding the four periods we discuss below, gives the numbers and share of bankers were legislators, and for the bankers who were legislators and were identified with a party in the legislative biographies, which parties the bankers belonged to.

Because the sample of bankers reported in the *Registers* varies over time, we organize the data in three ways. We have a complete count of banks, bank presidents, and bank directors for Boston banks throughout the entire period. The number of Boston bankers is shown in Figure 8. Sometimes we focus on all the banks in the *Registers* even though we usually only have the names of bank presidents for those banks, and are missing many of them from 1837 to 1848. After 1853 the *Registers* began reporting bank presidents and directors for all the banks in the state. The number of all bankers in the state that appear in the *Registers* for the entire period is given in Figure 9. The large movements in the figure are caused by changes in the banks reported by the *Registers*. The conclusions we draw from the two samples are the same, but it is often easier to see the continuity in the Boston bank sample. The third way to organize the data is by banks rather than by bankers.

The data and sources are described in more detail in the data appendix.

V. Politics, Parties, and Banks from 1784 to 1811

Massachusetts chartered its first bank in 1784, the Massachusetts Bank. It gave out four more charters before 1799, when the state changed the rules for private banks, prohibiting bank note issue by unchartered private banks. What followed was an increase in chartering in 1801, 1802, and 1803, as shown in Figure 7. By 1810, 23 banks had been chartered and were in operation.

The Federalist party controlled Massachusetts politics in the 1790s and 1800s showed in the party composition of bankers. Figures 10, 11, 12 and 13 use Boston bankers, for which we have all the bank presidents and directors, from 1790 to 1825 (Figure 11 covers 1790 to 1860). Figure 10 shows the share of all bankers in a given year that either had been a legislator already or would at some point in their life become a legislator. At its peak, the share was 80 percent, and before 1811 fell below 70 percent in only one year. Figure 11 divides the bankers into those who became a legislator before they became a banker, and those who became a banker first and legislator later in life. Initially, more than half of the bank presidents and directors in Boston had been a state legislator before they became a banker. The legislature had been in existence longer than the banks, of course, but it is remarkable that such a high percentage of bankers were drawn from the ranks of the legislature. Beginning in 1790, over 20 percent of the bankers who were not legislators when they became bankers eventually would become a legislator, a share which grew through time.

Figures 12 and 13 divide the bankers who were also legislators at some point in their lives into their party affiliation in the legislature. Remember that we do not have party IDs for legislators before 1797. In Figure 12, of the bankers before 1810, only 1 had already been a Democratic-Republican legislator (out of roughly 50 bankers), while a significant number had already been Federalist legislators. Even more striking, figure 13 shows that bankers who were not legislators when they became bankers, were much more likely to become Federalist legislators than Democratic-Republican legislators.

Of the 68 bankers in the statewide sample in 1810, including the banks outside of Boston, 47, or 70%, had been (33%) or would become (37%) legislators. Of those 47 bankers, 4 had no party affiliation, 38 were Federalists (81%), and 5 were Democratic-Republicans (11%). By

1810, banking in Massachusetts was not quite a Federalist monopoly but it was close. Of the 23 banks in our sample in 1810, only 3 banks can be identified as Democratic-Republican banks because they have presidents who were Democratic-Republican legislators. Two other Democratic-Republican legislators were directors in banks dominated by Federalists. Perhaps even more telling, of the 23 banks, only 4 did not have a state legislator as president or a director in 1810. Even this is an underestimate, however, since we do not have directors for most country banks. One of the 4, the Nantucket Bank, was a country bank. Directors were listed for the Nantucket bank in just one year, 1803. In that year the bank was a Democratic-Republican bank, it had 3 Democratic-Republican legislators on its board. The Berkshire Bank's president in 1810 was Simon Larned. He was a legislator, but he was not identified with a party. While representation in the House and Senate was roughly 60% Federalist, 40% Democratic-Republican over these years, the Federalist banks outnumbered the Democratic-Republican banks by roughly a 5 to 1 ratio.

Democratic-Republicans complained bitterly about the Federalists' exclusive control of banking. "Monopolies of all kinds are odious in all countries; but they are more so in a free country like ours; they are here directly opposed to the genius and spirit both of the people and their government. And there can be no monopoly more invidious, than to give exclusive privileges by the acts of government to a few very rich men for improving their money in Banks, and to refuse the same privilege to the active merchants, and to the widows and orphans."⁶ Banks were "engines of oppression," enabling Federalists to exploit enterprising merchants and shopkeepers. Federalists monopolized "all the exclusive privileges . . . until the voice of private citizens is lost in the overbearing influence of privileged companies."⁷ As long as "combined

⁶ Columbian Centinel, February 16, 1803. Quoted in Lake (1937), p. 32.

⁷ Eastern Argus, April 2, 1807. Quoted in Goodman (1969), p. 176.

court parties grant banks and other privileged corporations to favored companies, equal rights cannot exist.”⁸ The purpose of chartering banks was to give exclusive privileges to Federal friends and “every incorporation for wealth and profit is a bulwark to aristocracy.”⁹ As most bank charters would expire in 1812, “incorporations should not be renewed unless the proprietors of banks consent that every officer of their banks be appointed by the State Government.”¹⁰ In 1803, after the legislature refused a petition for a “Town and Country Bank,” Democratic-Republicans blamed Federalists and painted them as the champions of bank monopoly, opposing to “every measure calculated to promote the interest of the middling class of citizens.”¹¹ “Will a director of the Boston Bank, or a man, whose ‘projects’ gripe every monied institution within the town, be advocates for such salutary measures as our situation calls for?” “Let the charters be free for all, if they are granted to any.”¹² Before 1811, Federalist elites dominated politics, controlled banks, and excluded the Democratic-Republicans from banking. Democratic-Republicans demanded reforms to allow them access to banking. They seized the chance in 1811.

III.2 The Massachusetts Bank War, 1811-1815

What stands out in many of the figures, most clearly in Figure 12, is 1812. Although Massachusetts had elected Democratic-Republican majorities to the Senate and House before, it was only in the election of 1811 that the Democratic-Republicans held both houses and the Governorship. Eldbridge Gerry was elected governor in both 1810 and 1811 and Vice-President of the United States in 1813 and 1814.¹³ In his first term as governor, he sought to conciliate the

⁸ Eastern Argus, Dec. 13, 1805, and Feb. 22 Dec. 6, 1805; Salem Register, March 30, April 2, 1807. Quoted in Goodman (1969), p. 176.

⁹ Eastern Argus, Nov. 15, 1805. Quoted in Robinson (1916), p. 103.

¹⁰ Eastern Argus, Dec. 13, 1805. Quoted in Robinson (1916), p. 104.

¹¹ Republican Gazette, April 27, 1803. Quoted in Goodman (1969), p. 172.

¹² Boston Democrat, May, 1804. Quoted in Goodman, p. 173.

¹³ Billias (1976).

two parties and work out a compromise with Federalists over banking and a number of other issues. He restrained radical Democratic-Republicans who hoped to remove Federalists from office. While Democratic-Republicans held power in the House, the Senate was equally divided. The Federalist leader Harrison Gray Otis was the Senate president and blocked every Democratic-Republican reform. Since they were not threatened, Federalists also adopted a moderate tone.¹⁴

In 1811, however, Gerry abandoned his conciliatory policy. The admission of Louisiana to the Union had already aroused animosities against President Madison among Federalists, and when Congress approved Madison's Non-Intercourse Act to cease commerce with Britain in March, Boston Federalists organized a mass meeting and protested against the law, denouncing it as tyrannical and oppressive. They threatened to call for measures "short of force", and to elect officers who would "oppose by peaceable, but firm measures, the execution of the laws, which if persisted in must and will be resisted."¹⁵ Gerry denounced the Boston mass meeting, claiming it advocated revolution. He was convinced that if Federalists returned to power, they would nullify the Non-Intercourse Act or resist its enforcement. The result would be: "our constitutions are nullities, our constituted authorities are usurpers, and we are reduced to a state of nature."¹⁶ In his second inaugural address in June 1811, Gerry publically accused Federalists who "excite the spirit of the insurrection and rebellion to destroy our internal peace and tranquility."¹⁷ In his second term, he began to remove Federalists from state offices and appoint Democratic-Republicans in their place.

¹⁴ On Gerry and the issues in 1811, see: Formisano (1983), p. 74-75; Billias (1976), p. 314-322. James T. Austin (1829), p. 333-42, p. 346-347; Seaburg and Patterson (1971), p. 228. Goodman (1986), p. 154-181. Morrison (1929).

¹⁵ "Governor's Speech to the Representatives' Chamber, June 7," Massachusetts Acts and Resolves (1811), p.184.

¹⁶ *Ibid.* 184

¹⁷ *Ibid.* 185

In the elections of 1811, Democratic-Republicans captured both houses of the state legislature. The Democratic-Republican legislature helped Gerry implement a series of reforms to capture patronage in the state, to remove Federalists from the office, and to occupy Federalist-controlled organizations.¹⁸ One of the most famous changes was the “gerrymander.” In February 1812, Democratic-Republicans passed a bill to divide the state into senatorial districts along partisan lines. This change redistricted the state to make the Democratic-Republican votes count as much as possible and the Federalist ones as little as possible. This practice was not new nor was Gerry an active supporter of the plan, but has long since been associated with Gerry’s name.¹⁹

The legislature of 1811-12 changed the banking policy of the state. It chartered two new banks: the State Bank and the Merchant’s Bank of Salem. The State Bank was a very large bank, with three times the capital of any existing bank. All twelve directors and the bank president had been or would be state legislators: 11 were Democratic-Republicans. The sharp jump in the number of Democratic-Republican bankers who had been legislators in Figure 12 for 1812 was the result of placing Democratic-Republicans legislators on the bank’s board of directors.

The State Bank was also intended to be a reform bank. One-third of the \$3 million capital was subscribed by the state government, with an option to subscribe an additional \$1 million. The bank was to pay a tax to the state of ½ of 1 percent of its paid in capital each year. The reform ideas behind both state ownership of stock and the capital tax was that the bank, rather than being a source of private privilege to its owners, would be a source of revenue for the state government.²⁰

¹⁸ For Republican reforms in other sectors, see Goodman (1965).

¹⁹ Griffith (1907), p. 17-21; Austin (1829), p. 322; Dean (1892), p.374-383.

²⁰ The charter of the State Bank can be found in Massachusetts, 1812, p. 501, June 26, 1811, “An act to incorporate the President, Directors, and Company of the State Bank.”

The other aspect of the Democratic-Republican bank offensive resulted from the unusual fact that the charters of all but one of the existing banks in Massachusetts expired in 1812.²¹ In the 1811-1812 legislative session, the Democratic-Republicans refused to renew the charters of any of the existing banks. It was, literally, an existential crisis for the Federalist bankers. Without their charters they would not be able to issue bank notes, a basic function of their banks. The Federalists regained the Governorship and the House, but the Democratic-Republicans had redistricted the Senate (as a result of the “Gerrymander”) and retained control of it. In the fall of 1812 (the 1812-13) legislative session, the charters of the existing Federalist banks were renewed. Significantly, all of the renewals contained the reform provisions included in the State Bank charter, including the bank capital tax.

The political dynamics unleashed by the events of 1811 and 1812 show clearly the intra-elite nature of competition over banking. Before 1811, Salem already had two Federalist banks—the Salem Bank and the Essex Bank. Unable to get loans from either bank a number of Salem’s most prominent Democratic-Republicans, led by the Crowninshield family, decided to start a new Democratic-Republican bank. Their petitions for bank charters, however, were rejected by the Federalist legislature for many years. It was not until 1811 that they finally secured a charter, as the minister William Bentley described in his diary, “To give weight to the Republican Interest in Massachusetts, the last Legislature placed several banks into the hands of their friends, and among others, one in Salem, which was completely organized this day, under the name of Merchant’s Bank.”²²

The first two presidents of the Merchant’s Bank are good examples of the kind of Democratic-Republican elites who were denied access to banking. Benjamin Crowinshield, the

²¹ The original charter of the Massachusetts Bank had no termination date.

²² Dennis (1908), p. 7.

first president, left the bank in 1814 to become Secretary of the Navy under Madison. He had served in the state legislature eight times, three in the Senate and five in the House; would be a national Congressman for four terms from 1823 to 1831; and candidate for Governor in 1818 and 1819. The man who replaced him, Joseph Story, was president of the bank for the next twenty years. He had been appointed Associate Justice of the Supreme Court of the United States in November, 1811 and sat on the Supreme Court for thirty three years. Democratic-Republicans did not bank charters because they lacked powerful elites.

The reaction of the Federalists to the Merchants Bank mirrored the charges the Democratic-Republicans levied against the Federalists. Even before it opened on September 10, 1811, the Federalist *Salem Gazette* gave grave censure of the “new bank:”

It requires but little foresight to predict the influence which the institution will, and which the legislature intended it should have on the political circumstances of our Commonwealth, and particularly its elections. Viewing it in this light, it cannot be considered as an institution for the common benefit of our citizens, but on the contrary for the purpose of unblushing political corruption. Federalists will be excluded entirely from accommodation, as they were from the privilege of subscribing for shares, and Democrats only enjoy its benefits. We hesitate not to assert, that (until the Spring elections are over, at least) *any Democrat* (or “friend of the government” as the committee call them) who can bring good proofs of his attachment to the cause, *will be furnished with what money he wishes from this Bank, while federalists, let them be never so competent, will be sedulously refused a discount, except perhaps a few*, who will be held up as a mask to cover their gross, corrupt partiality. Let every candid man consider this course of conduct, lay his hand on his heart, and say if he can call it by any other name than BRIBERY.²³

The State Bank was a much more ambitious project. Throughout its early history, Democratic-Republicans directed the State Bank. Eleven of its first twelve bank directors had been Democratic-Republican legislators. The first president was William Gray, a leader of the Democratic-Republican Party, the lieutenant-governor of the State, as well as a rich merchant ship-operator. In the circular of the bank, July 1811, the bank committee said, “the establishment

²³ Salem Gazette, Sep. 10, 1811. Emphasis added.

of the present institution should be so conducted that its benefits shall be diffused as extensively as possible among the friends of the government throughout this Commonwealth.”²⁴

The State Bank drew even more criticism from the Federalists than the Merchant’s Bank. They charged the State Bank with being “a powerful engine of bribery and corruption, and a machine established for the purpose of creating Democrats and destroying Federalists.”²⁵ The *Columbian Centinel* of July, 1811, called the State Bank “the mammoth bank,” and denounced it as a “party bank.” In the *Boston Gazette* of August 22, 1811, “A Massachusetts Yeoman” addressed a letter to William Gray, “it was beyond all precedent, and wicked in the extreme, to grant a set of men, who have always been borrowers, the whole control of the circulating medium of the State.”

In the *Centinel*, August 31, 1811, “A Constitutional Republican” said, “1st, That the grant of a charter to the State Bank is a violation of the Constitution; 2d, that those who gave it countenance and voted for it have acted corruptly.” The *Worcester Spy* said it was “a bill to secure to Mr. Gray and his political associates, for twenty years, a stupendous monopoly of all the banking privileges of the Commonwealth, or at least of the metropolis. The community would suffer incalculable injury from the uncontrolled speculations of a bank without a rival, and the total loss of confidence in the stability of corporations dependent upon the will of the legislature.”

The *Salem Gazette* denounced the bank: “The State Bank is managed as a powerful engine of bribery and corrupt influence. ... The constitutions and the principles of republican government are derided and contemned. . . It is unblushingly avowed that the new bank is intended as a machine to *create* Democrats and *destroy* Federalists. In this State there has been

²⁴ Stetson (1891) p.13.

²⁵ This and the following quotes are from Stetson (1891).

so much clamor by this very party against banks, bank directors, and exclusive privileges, that consistency required them to discountenance all. It appears that in each county an electioneering committee has been appointed, who through the influence of the new bank are to act as almoners of democratic bribes and commissioners of official corruption.”

Such was the state of inter-elite conflict in Massachusetts in 1811 and 1812.

III.C Moving toward open access, 1815-1829

The Democratic-Republican legislature seized the chance in 1811 to implement a series of reforms. However, Madison’s unpopular foreign policy cost them lose subsequent state elections. In 1812, Federalists won back a majority in the House, as well as the governorship, rechartered the existing banks in 1812. Significantly, all the new charters included a provision specifying a bank capital tax and allowing the state to make investments in the banks, just as in the State Bank charter.²⁶

In 1813, when the Federalists again controlled the State and they denounced the State Bank: “A monied institution was created, founded on the determination to abolish those already existing, and its capital was apportioned to counties and towns, upon a digested scheme of premiums for political corruption.”²⁷ Under the Federalists, Massachusetts began chartering more banks after 1812. According to the report of the Joint Committee on Banks in 1820, for several years, the liberal policy had granted bank charters in “almost all cases of apparent utility, leaving it to the actual wants of the community, and to the true perception of interest among its members, to fix the limits of capital, which would thus be employed.”²⁸ The rate of bank formation was high in 1811, 1812, and 1813, when both Democratic-Republicans and Federalists

²⁶ Handlin and Handlin (1969), p. 129; Dodd (1954), p. 210.

²⁷ Dodd (1954), p. 209.

²⁸ Columbian Centinel, June 17, 1820.

became presidents and directors (Figure 12). The rate of bank formation slowed during the active part of the war in 1814 and 1815, and the economic recession in 1818. The explosion of banking occurred in the 1820s, as Figures 6 and 7 show. By 1830, Massachusetts had only 4.7 percent of the nation's population, but 20 percent of the nation's banks and 18.5 percent of the nation's banking capital (Wallis, Sylla, and Legler 1994). In his research on free banking of different states, Sylla claimed, "After 1820, Massachusetts had essentially free banking in the general sense of that term, and the state remained a leader in terms of numbers of incorporated banks and capital invested in banking enterprises for several decades." (Sylla, 1985, p. 111)

This was the same period in which the proportion of bankers who had been or would become legislators declined sharply, from roughly two thirds of all bankers to around 45 percent of all bankers. Unfortunately, the increase in the number of banks occurs just at the time that party identification became problematic. For much of the 1820s, many state legislators were not identified with parties in the *Legislative Biographies*. Figure 14 gives the share of all legislators identified in each year with a party. The sharp drop in the late 1820s reflects that disarray of the parties at the national level. Unfortunately, we cannot track the party association of the bankers who became legislators in this important decade.

Nonetheless, there was a distinct break in the connection between bankers and legislators after 1815. Table 2 breaks down new bankers entering in five year intervals in the middle panel of the table. Between 1810 and 1815, 61 bankers entered and 64 percent of them had been or would become state legislators. In the next five year period, 1815 to 1819, 95 bankers entered and 51 percent had been or would become state legislators. Between 1820 and 1825, 214 bankers entered and only 42 percent had been or would become state legislators. In the decade of the

1820s, when party identification was weakest, so too the association between bankers and state legislators became permanently weakened.

The 1820s also produced a significant and permanent change in the banking policies of the state. The earliest indications were the rechartering of the existing Federalist banks in 1812, which included the same provisions as the State Bank charter. When new banks were chartered after 1813, their charters contained the provision that “That the rules, restrictions, limitations, reservations and provisions, which are provided in and by the third section of an Act, entitled, “An Act to incorporate the President, Directors, and Company of the State Bank,” shall be binding on the bank hereby established...”²⁹ Rather than reverse the “reform” provisions of the State Bank charter, the Federalists embraced them.

This was clearly a shift in policy by the Federalists. Whether the move toward adopting the same charter provisions for all banks played an important role in Federalist thinking is not clear. Unlike the banks chartered up to the State Bank, which sometimes included special provisions and often included implicit geographic monopolies, all the banks chartered after 1812 contained the same provisions. That part of the agreement was codified when new bank charters formally became standardized on February 29, 1829 with the passage of the general regulatory act: “An Act to Regulate Banks and Banking.” The Act required “That from and after the passing of this Act, every Bank which shall receive a Charter, from or by the authority of this Commonwealth, and every Bank whose Capital shall be increased, or whose Charter shall be extended, shall be governed by the following rules, and subjected to all the duties, limitations,

²⁹ This is the language used in the charter of the Worcester Bank. Massachusetts, 1821, Chapter 26, “An Act to incorporate the President, Directors, and Company of the Worcester Bank,” p. 422

restrictions, liabilities and provisions, contained in this Act.”³⁰ The Act reconfirmed the bank capital tax and the ability of the state to invest in any bank, as well as borrow from it. The clincher was section 31: “*Be it further enacted*, That if, during the continuance of any Bank Charter, granted or renewed under the provisions of this Act, any new or greater privileges shall be granted to any other bank now in operation, or which may hereafter be created, each and every Bank in operation at the time shall be entitled to the same.” (p. 161) The general regulatory act not only guaranteed that all existing bank charters would have the same provisions, but any new provisions introduced in the future would retroactively apply to all existing banks. Massachusetts had adopted an “impersonal” rule for the creation and governance of banks: it was a rule that treated all banks the same.

Massachusetts did not adopt a general incorporation act for banking until the 1850s, but essentially allowed de facto open entry after 1820. Significantly, the complaints by one party that the other party was restricting access to bank charters effectively stopped. As the Handlins noted, the compromise reached in 1812 seems to have signaled the end of banking competition. “The settlement of 1812 had substantially stabilized the banking system, withdrawing it from the grasping hands of a favored few. For a time thereafter, the question of currency was academic only.”³¹ When the general incorporation act was passed in 1854, only 4 banks requested charters under the general act.

III.D Politics, Parties, and Banks in the Second Party Regime: 1830 to 1860

National party politics in the United States fragmented in the 1820s. In three of the four national elections between 1824 and 1836, three or more candidates received electoral votes in

³⁰ Massachusetts, 1831, Chapter XCVI, “An Act to regulate Banks and Banking,” Section 1, pp. 145.

³¹ Handlin and Handlin, p. 175.

the presidential elections. The exception was the election of 1828, featuring the John Quincy Adams and Andrew Jackson rematch of their 1824 race. In 1824, Jackson won a popular and electoral vote plurality, but Adams won the election in the House with the support of Henry Clay. Elections from 1840 to 1852 resulted in electoral votes for only the Whig and the Democrat candidates. But, a caldron of party formation and loyalties boiled away at the state level. In 1856 and 1860, multiple parties and candidates won electoral votes, ending in the election of Lincoln and the onset of Civil War.

Figures 3 and 5 show the mix of parties that competed for dominance in Massachusetts between 1830 and 1860. The dominant parties in succeeding elections were National Republicans, Whigs, and Republicans, with a one brief period in which the Democrats challenged, and a second brief ascendancy of the Know Nothing Party. The sequence of parties was not one continuous coalition that simply changed its name over time. The National Republicans, Whigs, and Republicans were reconfigurations of existing political alignments.³²

The lack of party ID's for legislators before 1797 and in 1820s, Figure 14, and the growing number of political parties makes it difficult to draw a neat comparison between the period after 1830 and the period before 1815. We don't have any party IDs for legislators before 1797, and as we saw earlier, many of the early bankers had been legislators before they became bankers. In Table 3, of the 217 individual bankers in the *Registers* between 1790 and 1815, 137 were also legislators, but we only have party IDs for 87 of those. Most of the missing IDs are for legislators who served in the 1790s and not later (we they served after 1797 we would be more

³² The idea that the Whigs were a simple continuation of the Federalist party has a long history, but it appears to be wrong. Holt summarizes the idea: "Even historians routinely echoed Democratic propaganda and described Whigs as ex-Federalists. Experts now know better. Massive research in the past forty years has shown that the Whig Party evolved not from the Federalists but from divisions within the Jeffersonian party." (Holt, 1999, p. 2) Holt cites Benson (1961) and McCormick (1966) as examples of a literature "too vast to list here."

likely to link them with a party). There were 49 legislator/bankers who appeared in the *Registers* between 1790 and 1799.

As shown in the lower panel of Table 3, legislators with Federalist Party IDs accounted for 25 percent of all bankers between 1790 and 1815 and 39 percent of all bankers who were legislators. The portion that were connected to the Federalists would surely be significantly higher if we had party IDs for legislators before 1797.

We can compare the pre-1815 banker-legislators to the post 1830 banker-legislators by making an extreme assumption: take the Federalist, National Republican, Whig, and Republican legislators as a continuation of the “dominant party” for the entire period between 1825 and 1859. This is a problematic assumption, but it gives us a way to compare magnitudes in the two periods, since combining the four parties gives a biased over estimate of the number of people in the dominant elite coalition. The combined party legislators account for 28 percent of the bankers after 1825. This is significantly less than the proportion of Federalist banker/legislators in the pre-1811 period. Entry into banking before 1811 was limited by the need for political party connections, after 1830, much less so.

Nonetheless, banks and politics, and bankers and politicians remained closely associated into the 1850s. To see this more clearly, we need to dig deeper into the connection between banks, bankers, and legislatures. Since the *Registers* usually report only the name of the Bank president for the country banks we have only one banker associated with those banks. The fact that the president is not a legislator does not mean that the bank is not associated with the legislature through a director.

Figure 15 shows the number of all banks that had no legislators in each year. Figure 16 excludes banks without directors reported in the *Registers*, that is, the banks where only the

president's name was listed. The picture is much different. Only one bank, the Bangor Bank in 1819 and 1820, reported the names of directors and had no directors who had been or would become legislators among its president or directors. No bank in our sample before the late 1840s that reported directors failed to have a legislator on the board, other than the Bangor Bank.³³

We cannot follow the share of all banks that have a legislator as a director, because the *Registers* do not report bank directors for most of the country banks and there is missing data on most of the country banks between 1837 and 1848. Beginning in 1852, however, the *Registers* did begin reporting bank directors for all banks, Boston and country. The number of bankers that we can identify increases significantly as shown in Figure 9. In 1852, the number of bankers we can identify jumps from around 350 to almost 1,000. One might expect that the addition of over 600 directors of country banks would reduce the share of bankers that had been or would become legislators, and increase the share of banks with no legislators on their boards. But Table 2 shows that is not the case. Indeed, after 1852 the share of all bankers who had been legislators begins to rise. The country banks were just as likely to have a state legislator on their boards as the Boston banks. In 1859, when we have information on over 150 banks, including all their directors, there are only 4 banks without a legislator on their boards of directors or their president.

³³ This criterion is narrow. To include a legislator in the board of bank directors may not mean it is an elite organization. For example, it may be that out of its 10 directors, 9 are ordinary people but they need 1 famous person in the board to make the banks more influential, build more social connections, or give people more confidence. Besides, if banks were mostly as a tool for rich people to be able to channel funds to their family business, as claimed by Lamoreaux, it cannot be a bank serving the ordinary people. These banks were commercial banks, not savings institutions or saving banks. Its purpose is not to serve the ordinary people to save their money and get good investment opportunity. It is not surprising that they were connected to some legislator. One interesting question is after the saving banks became more important after the Civil War, whether they were elite organizations or not. But it is beyond what we study in this paper.

In 1842, the Washington Bank of Boston began operating without any legislators on its board (it had been in operation with a legislator on its board earlier), and in 1845 the Eagle Bank of Boston began doing the same. In 1852, five banks, the Cambridge Bank, the Chochituate Bank, the Essex Bank, the Grocer's Bank, and the Washington Bank were operating with no legislators as their president or on their boards. Most of these banks had been in operation before the General Incorporation Act for Banks passed in 1851. Few banks availed themselves of the general banking procedure, most still obtained a special charter, even though because of the 1829 Act, the terms of the banks with special charters were the same exactly the same as the terms in the general act.

While the association of bankers with political parties weakened, their association with state government did not. What can we say about their economic fortunes over this period? We were able to link the names of Boston bankers to the Boston property tax assessments to get a measure of their wealth. In 1826, the City of Boston published a "List of Persons, Co-Partnerships, and Corporations who were taxed ..." ³⁴ There are a number of technical issues about the property tax data, but the bottom line with respect to the relative wealth of bankers to all other wealthy taxpayers is clear and robust to a series of adjustments (Lu, 2014). From 1829 to 1859, there were an average of 3,845 persons, partnerships, and corporations listed (ranging

³⁴ The title varied somewhat from year to year, as did the minimum amount of tax paid to qualify a person, co-partnership, or corporation from inclusion in the list. The lists of wealthy taxpayers in the city of Boston—from *List of Persons, Copartnerships, and Corporations, Taxed in the City of Boston*—document a person's or an organization's real and personal holdings and taxes paid between 1829 and 1859 (1831, 1834, 1854, 1855, and 1856 are missing). Only wealthy taxpayers with wealth above certain thresholds are included in the tax lists. From 1829 to 1848, the list includes wealth for individuals taxed \$25 and upwards (since the tax rate was roughly 0.8% of wealth, the property cut-off was approximately \$3,125); from 1849 to 1853, the list includes individuals whose personal property was \$6,000 and upwards, and from 1857 to 1859, \$10,000 and upwards.

from a low of 1,836 in 1830 to a high of 5,883 in 1848).³⁵ We identified all the bankers in the sample whose names we could match, then drew several random samples of non-bankers from the tax lists to compare them to. Our largest random sample includes an average of 1,617 individuals (excluding partnerships and corporations), or a 42% sample on average (only in 1833 and 1839 does the sample size fall below 20%). The *Registers* identify an average of 244 bankers in Boston (from a low of 200 in 1829 to a high of 281 in 1859), of which we identify an average of 102, or 42% (with identification share below 20% only in 1833, 1837, and 1839).

Figure 17 shows the wealth of Boston bankers relative to the other wealthy individuals included in the tax lists. There is no trend in the relative wealth of Boston bankers relative to the rest of the wealthy population, it stayed steady around 150%. The wealth of bankers does not appear to have declined relative to other wealthy groups. Steckel and Moehling (2001) match the Massachusetts Census records to property tax lists for the entire population and show that wealth distributions became increasingly unequal between 1820 and 1860. Given the stable relative wealth of bankers to wealthiest taxpayers, we expect that bankers grew wealthier relative to all taxpayers between 1830 and 1860. The wealth data gives us the same picture as the banker-legislator data: banking remained a largely elite preserve from 1820 to 1860.³⁶

IV. How and Why?

³⁵ We begin with the 1829 tax lists, as the first few years of the list exhibit too much variation in names and assessments to warrant our confidence.

³⁶ Our results from the Boston tax lists paint a different picture of the relative wealth of bankers in Boston than Lamoreaux and Glaisek, 1991, which show that in Rhode Island, that new bankers were less wealthy than old bankers. In part, this is the result of different samples. We do not have all the bankers in Boston, just the richest ones. Lamoreaux and Glaisek compare two cross section of bankers in 1830 and 1845. Hilt and Valentine, 2012, analyze stock holding and wealth in New York City from 1791 to 1826 and show that stock ownership was becoming more diversely held by less wealthy households.

The defining question for this volume is how societies manage to provide open access to organizational tools. Massachusetts banking provides a clear case of limited access before 1812, opening access afterward, and full access by the 1850s. The introduction sketched a simple sequence in which access to banking was initially limited to the Federalists. When the Democratic-Republicans gained control of the state they privileged their own banks and moved against the Federalist banks, and, shocked and concerned by what had happened, Massachusetts moved to a set of arrangements that allowed all elite factions to establish banks and prevent a repetition of 1812. While the story is historically and logically consistent with the Massachusetts experience, it does not provide us with an answer to a deeper question: why were the reforms in Massachusetts sustained? Why didn't the dynamics of elite competition in an electoral democracy produce attempt to manipulate access to organizations to create and cement a new political coalition?

The answer to that question lies in the dynamics of intra-elite competition and the way elites structured institutions affecting the interaction of the government and economic organizations. The conceptual ideas laid out in the introduction to the volume (Lamoreaux and Wallis) and in NWW, suggest that the first move to impersonal rules for the formation of organizations occurs within elites. Access to organizations is limited, and the formation of political coalitions depends, in part, on the formation of economic organizations whose rents make the political coalitions stable and coherent. Elite groups are not homogenous, and competition between elites can threaten the fundamental arrangements underlying elite agreements. The Democratic-Republican move to eliminate the Federalist banks might have repeated itself over and over again, if control of the government brought with it the ability to dismantle the economic organizations of opposing factions.

As we have shown, banking remained closely connected to state politics even after the reforms of the 1810s and 1820s, using our narrow definition of elites. What changed was the relationship between elites and political parties. This section examines the changes in institutional arrangements that may have made the new intra-elite arrangement stable and sustainable. Some of the institutional arrangement involved the relationship between banks and the state government and, somewhat surprisingly, those arrangements grew out of the charter of the State Bank in 1812. Surprising, because the State Bank was part of an attempt by the Democratic-Republicans to turn the tables on the Federalists and take control of banking. The other institutional arrangements were not codified in laws, but resulted in changing the dynamics of political parties. All of these changes were endogenous. The new arrangements decoupled banks and political parties, but not banks and state government, and made open access in banking sustainable.

No landmark political decisions embodied the change in arrangements. These changes were not the result of overt crises, nor were they embodied in a single law, like the general laws in the states Eric Hilt studies in his paper in this volume. As a result, this part of early institutional change does not play a prominent role in the existing histories. For example, the Handlins note that "...the critical decisions in 1812 had already implicitly circumscribed the capacity to exercise that power [withholding bank charters]," (1969, p. 163) yet, their history of 1812, pp. 113 to 122, contains no discussion of what those critical decisions were. The decision to decouple political connections and bank entry was not the outcome of a heated debate between anti-elite Jacksonians and their opponents, but came quietly in the second decade of the century. What followed 1812 makes much more sense if we conceive of what happened as a settlement between elites, rather than a compromise between elites and masses.

The Democratic-Republicans put the State Bank model forward as a reform bank, but was also an attempt to change shift the economic privileges that the Federalists had enjoyed to the Democratic-Republicans by chartering a very large Democratic-Republican bank closely tied to state finances, and denying the Federalists their banks. The power grab failed the next year, when the Federalists recovered enough influence to recharter their banks. The reforms, however, had lasting effects.

Although all the details of the State Bank charter matter, perhaps none was more important than the requirement that all future bank charters contain the same provisions. The tax on bank capital, for example, was intended to return some of the profits of the bank to the state and the state's taxpayers persisted. "*Provided however*, That the same tax, payable in manner aforesaid, shall be required by the Legislature of all banks that shall be hereafter incorporated within this Commonwealth, from and after the said first Monday of October: *And provided further*, That nothing herein contained shall be construed to impair the right of the Legislature to lay a tax or excise upon any bank already incorporated, under the authority of the Commonwealth, whenever they may think proper to do so."³⁷ The capital tax provision could have been reversed by the Federalists when they came back into power, but it was not. The capital tax provision was included in all the bank charter renewals in 1812 and thereafter.

Like the Democratic-Republican's State Bank, the Federalist could have chartered a very large Federalist bank, but they did not. Rather than reverse the reform provisions of the State Bank charter, the Federalists embraced them. This was clearly a shift in policy by the Federalists. The banks chartered before 1811 sometimes included special provisions and often included implicit geographic monopolies. After 1812 that policy changed and the new agreement codified

³⁷ Massachusetts, 1811, Chapter LXXXIV, "An Act to Incorporate the President, Directors, and Company of the State Bank," p. 507.

when new bank charters formally became standardized with the passage of the general regulatory act in 1829. The general regulatory act not only guaranteed that all existing bank charters would have the same provisions, but any new provisions introduced in the future would retroactively apply to all existing banks. Massachusetts had passed an “impersonal” rule for the creation and governance of banks: it was a rule that treated all banks the same.

Another contributing force was the tax on bank capital. As Wallis, Sylla, and Legler show, by the decade of 1825-1834, the bank capital tax provided over 60 percent of all Massachusetts state revenues. They developed a “fiscal interest” argument to explain why states that taxed bank capital, like Massachusetts, had a fiscal incentive to create more banks and more bank capital. States that taxed bank capital had many more banks and bank capital than states that owned stock in banks or charged high charter fees. States that owned bank stock wanted to maximize bank profits. States that earned substantial revenues from bank charter fees wanted to limit the number of banks to maximize the entry fees the state could extract. Their analysis was comparative across states and not as detailed as this paper, but it brings out an important implication of the bank capital tax. Everyone in the Commonwealth, all political interests, even ones without a direct interest in banking or in a bank in a specific town, would find it in their interests to support the chartering of new banks to the extent that it raised revenues for the state that could be expended on other favored projects. The bank capital tax supplied a common interest to Massachusetts elites and non-elites to support more banks, particularly given the significance of the tax to the state Treasury.

The Democratic-Republicans intended to create a large state bank that would dominate Massachusetts banking. The state took a significant position in the bank, investing \$1,000,000 in the bank’s initial capital. But it soon became apparent that the tax on bank capital was returning

substantially more to the state and dividends on bank stock (Wallis, Sylla, and Legler, 1994). The state sold off its bank stock and, as we have seen, began chartering banks in large numbers. Naomi Lamoreaux stressed an important feature of the growing number of small, elite banks in her study of New England banking in the early nineteenth century, *Insider Lending*. Many banks in Massachusetts were established to facilitate the business of local elite manufacturing and commercial interests. The banks were dominated by elite families, but offered the opportunity, through stock ownership, for non-elites to share in some of the returns of banking. The large number of small banks meant that most banks did not make above normal profits, there was enough competition to prevent that. Warren Weber's work documents that the dividends paid by Massachusetts banks declined after 1812.³⁸ These small banks were not intended to raise long-term capital investment funds to their owners, they were commercial banks who benefits consisted primarily in the ability to access commercial credit on favorable terms at low transaction costs.³⁹ The close connection between banking and manufacturing may help explain why lower dividends on bank stock did not seem to have lowered the relative wealth of Boston bankers.

The pattern of insider lending lay behind the promoters of the Merchants Bank in Salem's complaint that they needed "a new bank in Salem because all the other banks belonged to a different party and refused to lend their money to political opponents." (Dennis, 1908, p. 7) Insider lending was also a feature of land banks in the South (Wallis, 2008, Schwiebart 1987, Sparks 1932, and Worley 1950). This pattern of many small banks closely allied with local economic and political elites was not the pattern in New York or Pennsylvania. Those states

³⁸ (<http://www.minneapolisfed.org/research/economists/wewproj.cfm#discounts>)

³⁹ As Hildreth, 1840, notes, p. 151-2: "Many of the Massachusetts and Rhode Island banks are constituted and managed much upon this principle. The stock is chiefly held by business men, who hold it, not for the sake of the dividends, which in these States are always moderate, but on account of the business facilities they derive from their concern in the bank."

chartered a few large banks, from which the state extracted revenues (in Pennsylvania) or political organizations extracted financing for political machines (New York).⁴⁰ These banks, by necessity, had more outsider lending. What happened in Massachusetts was not that banks stopped lending to insiders, instead all the important insiders got their own bank. This is consistent with movement toward impersonal rules for banks as well. Every elite group who wanted a bank and was able to exert a minimum level of political influence got a bank, but all the banks would be the same.

More or less by chance, the charter of the State Bank in 1812 contained a provision requiring that all future charters follow the State Bank charter and levying a tax on bank capital. These were not long standing demands of bank reformers, but a short-term strategy to get control of banking on the part of the Democratic-Republicans. Both provisions could have been reversed by subsequent legislatures, but they were not. Federalists might have been startled when the state legislature refused to renew the charters of any Federalist banks, and Democratic-Republicans could certainly see what might happen if the Federalist returned the favor in kind when they were in power. What ensued probably began as a temporary arrangement to allow either party to charter a bank under the State Bank charter rubric.

We do not have explicit evidence that such an agreement was reached. Yet, when Massachusetts held a constitutional convention in 1820, to reconsider important elements of their democratic system, including the method of representing towns in the state legislature, debates over banking played no role. In the report on the debates, corporations were mentioned in three contexts. Most often with regard to a proposed provision to require the legislature to issue corporate charters to all towns of over 12,000 people, next often with respect to the corporation

⁴⁰ See Wallis, Sylla, and Legler (1994) for the numbers and the history. Schwartz discusses Pennsylvania, and there is a large literature on New York, Bodenhorn (2006).

of Harvard University, and third with respect to churches. Banks were hardly mentioned at all, although they were sometimes included in sundry list of businesses. Samuel Eliot Morison's, *A History of the Constitution of Massachusetts* (1917), only includes the word banks when referring to individuals named "Banks." A generation later, banks and corporations would be hotly contested in the state constitutional conventions of other states in the 1840s and 1850s (Wallis, 2005 and 2006). The Massachusetts Convention of 1820 was hotly contested as well, but not over banks, bank charters, or bank entry. Some agreement had been reached, even if it only made it into state legislation in the form of the 1829 regulatory Act.

The critical decisions of 1812 and the decade that followed was to take bank chartering out of the legislative process altogether. Two institutional changes in the nature of political parties probably helped sustain the move to open access. Party identification in the Massachusetts legislature broke down in the 1820s. The share of all legislators associated with a Party ID in the *Legislative Biographies* began to decline in after 1812 and took a steep drop in the 1820s, Figure 14. Part of the decline was due to confusion in party identification at the national level. But there was also uncertainty within Massachusetts. The last legislature the Federalists controlled was in 1821, after that party IDs plummet. At the same time the number of banks chartered began to increase sharply. Whether opening entry in banking and the rise in the number banks was a cause or consequence of the breakdown in political party identification is beyond the scope of this paper. Nonetheless, the two movements occurred simultaneously.

The second change in political outcomes was the decline in the average tenure of state legislators, as calculated from the *Legislative Biographies*. Figure 18 presents the average lifetime tenure of legislators serving in each legislature. A sharp drop began in 1820 and continued all the way to 1850. Individual legislators served much less time as lawmakers. Elite

groups who wanted their voice heard in the legislature could much more easily do so, given the steadily rising turnover of legislators. Turnover itself would have magnified the interest that all elites had in making sure that they could obtain a bank charter and, given the institutional rules about granting bank charters, all the banks would enjoy the same privileges. Rising economic elites whose fortunes were tied to manufacturing or commerce and wanted access to their own banking facilities, ala Lamoreaux. Those elites were not excluded from banking because of their party affiliation. As Figure 11 shows for the Boston bankers, most banker/legislators after 1820 were bankers first, legislators later.

IX. Lessons and Conclusions.

When we started this paper, we were very much of the mind that Richard Sylla's conclusion about banking in Massachusetts after 1820 was essentially correct: "Massachusetts had essentially free banking in the sense that entry into banking was open or free, and the state remained a leader in terms of numbers of incorporated banks and capital invested in banking enterprises for several decades" (Sylla, 1985). Figures 6, 7, and 12 seemed to clearly confirm the idea that something important happened in 1811 and 1812, events that took a decade or so to work themselves out. The decline of bank presidents and directors who were legislators seemed to offer concrete evidence that an elite coalition of bankers, legislators, and party under the Federalist Party system had given way to open access.

As appealing as that conclusion was and how well it sets with the dominant strain in American history that banking, like other parts of the American economy, opened up to everyone as democracy became more inclusive, the evidence we found did not support that sweeping conclusion. The substantial evidence for a large change in the relationship between banks, legislatures, and parties occurred in Massachusetts in the 1810s and 1820s seems beyond dispute.

The 1820s changes have their roots in the crisis of 1811 and 1812, before the War of 1812 broke out. But as long as we maintain the working definition of elite banks as those banks with a president or director who served as a legislator, we find that almost all the banks up to 1850 were elite banks (keeping in mind the caveat about country banks for which the Register's only report the name of the bank president).

Institutional development in Massachusetts followed a path in which the first step toward open access was homogenizing the elite privileges that came with a banking charter. Those privileges were essentially open to all individuals with the economic wherewithal to start a bank or the social standing to be elected to the legislature. By 1829, Massachusetts had moved to impersonal rules for forming and operating a bank. Those rules provided sophisticated and powerful tools to banking organizations. The tools were not just listed in the charters, they were embedded in the economic, political, and legal systems that gave shape and substance to the organizations created by the charters. Non-elites banks (by our measure) did not begin to appear until the 1850s, and they did not spring up in mass even after the free banking law in 1851 had removed any obstacles to bank chartering. Massachusetts moved to open access banking in the 1820s, but it was access that only elites took advantage of.

It would require much more detailed investigation into petitions for bank charters for the entire antebellum period to see if non-elite petitions were denied with higher or lower frequency over time and whether non-elite petitions were common. We have not attempted that very large empirical project, but the narrative evidence suggests that bank charters were readily available after 1820s. We have shown how the complex relationship between bankers, legislators, and parties Massachusetts changed to enable public support for private organizations in banking evolved in a critical time in American history.

Does this history hold more general lessons for the process of development? American history has a complicated relationship with the notion of elites. Elites participated in and led the American Revolution and played central roles in the formation of new governments in the late eighteenth and early nineteenth century at both the national and state level. The widespread antipathy towards political parties produced a curious politics in which elite groups competed for control of governments, attempted to plausibly deny that they had formed a political party to promote the interests and objectives of their group, and vehemently denounced the opposing elite groups as corrupt, dangerous, partisans who would wreck American society in pursuit of their own goals. It is difficult to overstate the sheer nastiness of early American politics.

People outside the United States are doubtful that American history holds much in the way of lessons for how their societies might attempt to promote development, and that is not surprising. Their societies are plagued by elites that propose reforms and then subvert them, by populist leaders who rise to influence and power and then act just like the elites they replaced. The only way American history makes sense in the development context is if we recognize that American elites were as competitive, vindictive, and personally motivated as well as idealistic and well motivated elites in nations around the world today. What differed about elites in the United States was the dynamics of how they interacted, not their moral character or political philosophy.

The central question for this volume is how societies come to provide organizational tools to large blocs of their citizens. That has to be a process that begins with the interests of elites who, in most societies, fail to provide organizational tools to anyone but themselves and the rising elites who demand recognition. What happened in the United States, as exemplified by Massachusetts bankers, was a change in the internal dynamic of intra-elite competition. The

change produced a set of institutional changes that altered relationships between elites. Significantly, Massachusetts moved to a set of impersonal rules for elites. At that point the politics of banking moved from creating special privileges through unique provisions in charters (geographic monopolies, for example) to a system where all elites enjoyed the same organizational tools. Entry was open, but in practice all of the banks continued to maintain a connection with the government. Nonetheless, the barriers became lower and lower as the dynamics of political parties shifted and the average tenure (commitment) of a state legislator declined. Impersonal rules and relative open elite entry produced a large number of relatively small banks. The banks were profitable, but did not enjoy substantial rents from limited entry. Instead, banks were useful in combination with the growing manufacturing and commercial sectors (Lamoreaux, 1994). Under those conditions extending banking privileges to non-elites no longer threatened existing arrangements tying political and economic elites together. When a formal general incorporation act for banks was passed in 1851, there was no rush of banks to take advantage of it. Access to banking was already effectively open to everyone who wanted a bank.

The primary lesson to learn from Massachusetts is that even in a society with a long democratic tradition, with cultural norms that stress the importance of equality and charity, that it is difficult for a society to consciously and deliberately eliminate elite organizational privileges. Support for, and limits on, organizations is a key element in those privileges. Until we understand the dynamics of how elites decide to move to impersonal rules for elites that can genuinely create and sustain open access for elites, we are unlikely to understand how to do it for the larger population.

Appendix: A Note on Sources and Measures

We made a serious attempt to identify economic and political elites and the political factions they belonged to by linking bankers and legislators. We match two datasets, one on bankers and the other on legislators from the late 18th century to 1859 to show the connection between bankers, legislators, and parties.

The names of bank directors and presidents were collected from the Massachusetts *Register* (1790-1859). This is a sample of bank presidents and directors, because the registers (or almanacs) did not collect information on every bank in every year. Particularly in the early years, the Registers collected complete information on banks in Boston, but often only the name of the bank president for the country banks outside of Boston. The second database is a complete biographical history of every Massachusetts legislator between 1780 and 2003 constructed by the Massachusetts State Library. We match bankers and legislators by their names, and after comparing the years that bankers appear in the data and legislators' birth year and death year, we remove the matches that went beyond a reasonable age (20-80). The dataset has 20,457 banker-year observations, of which 16,794 (82.1%) are bank director-year observations and 3,663 (17.9%) are bank-president-year observations. We matched 9,749 (47.7%) of the banker-year observations with legislators.

We are confident that the banker sample includes almost all of the banks operating in Massachusetts between 1792 and 1836 and again between 1848 and 1859. We compared our bank series to the data collected by Weber, by Van Fenstermaker, and by Sylla and Wright and are confident that we have essentially all of the banks in operation. Between 1837 and 1847, however, the Registers stopped collecting information on most banks outside of Boston. They resumed collecting data after 1848. The Registers also began to record every director in every

bank after 1851. For most years we have complete information on presidents and directors for the Boston banks, but often only bank presidents for the banks outside of Boston. The basic empirical results are to be robust to what banks are included in the sample and whether we look at presidents and directors, or just presidents.

We have the universe of legislators, but only a sample of bankers. Many bankers appear in more than one year, but a significant number do not. As a result, if we use the entire sample of 20,457 banker-year observations we have a sample selection and weighting problem. Some bankers have more weight in the “total” sample because their banks appear more often in the Registers. One way to parse the data is to include all observations on bankers regardless of how many times an individual banker appears. A second way of parsing the data is to focus on bankers as individuals. A “new” banker is observed in the year when he first enters the sample and only in that year. For each banker who enters, we note whether that banker had already been a legislator, whether that banker would become a legislator, or whether that banker would never become a legislator. The total sample and the new banker sample generally show the same trends over time, but in individual years can be quite different. The third way of organizing the sample is by individual banks rather than bankers. All three methods are used.

We would like to have the political party affiliation of all the bankers, but we cannot do so. We can directly identify the party affiliation of bankers who were also legislators in most years. The party affiliations of legislators are not given in the biographies until 1797, and even then many early legislators do not have a Party ID, that is, they are not associated with a party in the biographies. We cannot identify bankers with political parties if they were not legislators at some point in their life.

The last step in the empirical analysis is to match the Boston bankers to the Boston property tax assessment lists from 1829 to 1859. The tax lists include only the richest taxpayers and the sample cut-off varies over the years. We drew a large random sample of taxpayers from the tax list. Between 1829 and 1859 there was essentially no trend in the ratio of average wealth of bankers to the average wealth of (wealthy) taxpayers. It could be that wealthy taxpayers, bankers or not, were subject to similar trends, but we cannot identify the relative wealth for the entire wealth distribution. Despite the fact that access to banking was opening, bankers did not suffer a loss in their relative wealth.

Measuring elites and elite coalitions is a difficult problem. For purposes of the paper, we define elites as anyone who was a banker or a legislator, and then measure the connection between elites and elite factions by dividing bankers into those who were legislators and those who were not, and for those who were legislators, by dividing them further into their parties.

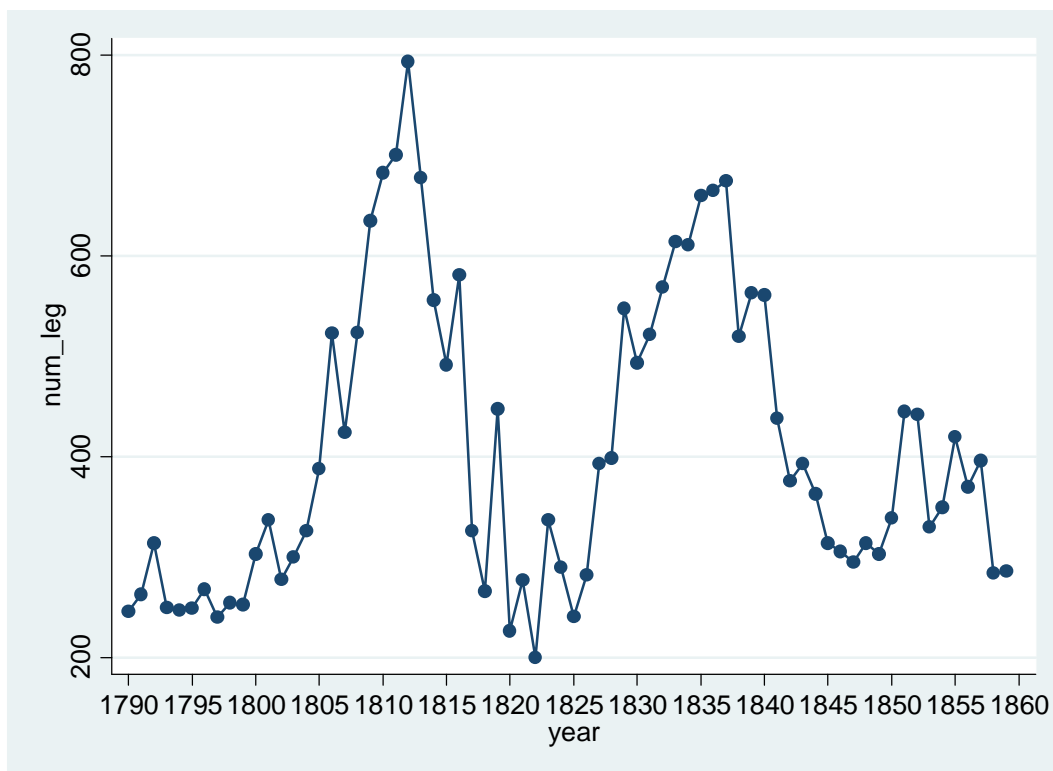


Figure 1: Number of Legislators, 1790-1859

Source: Massachusetts Legislators' Biographies, Massachusetts State Library.

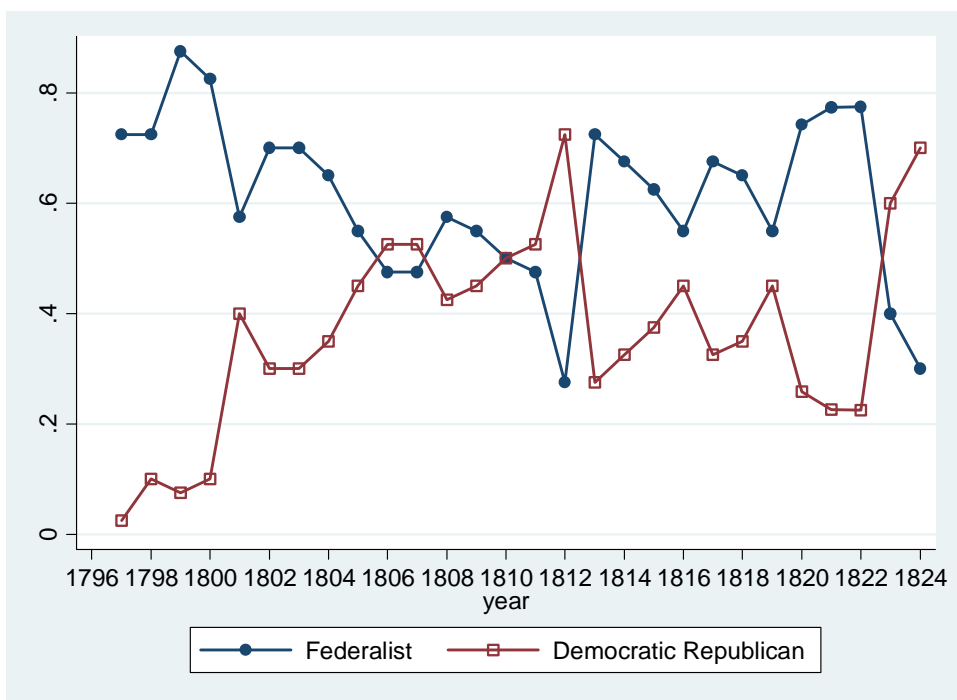


Figure 2: Senate Composition, 1797-1824

Source: Dubin

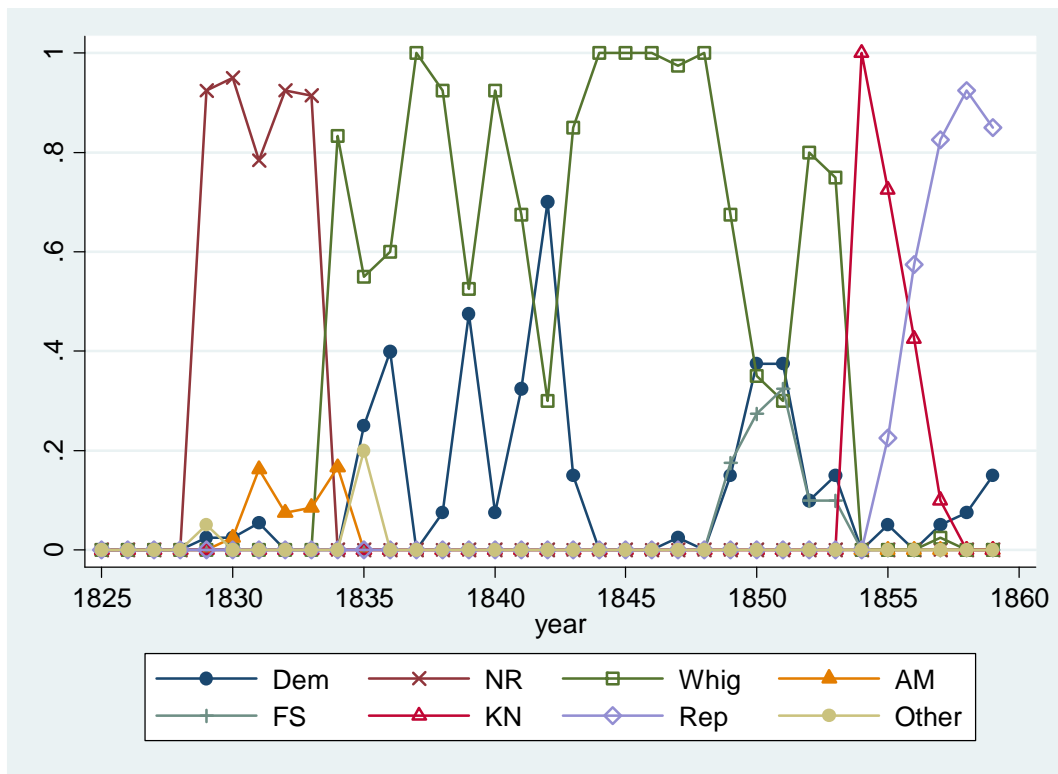


Figure 3: Senate Composition, 1825-1859

Source: Dubin

Note: Dem – Democrat, NR – National Republican, AM – Anti-Mason, FS – Free Soil, KN - Know-Nothing, Rep - Republican

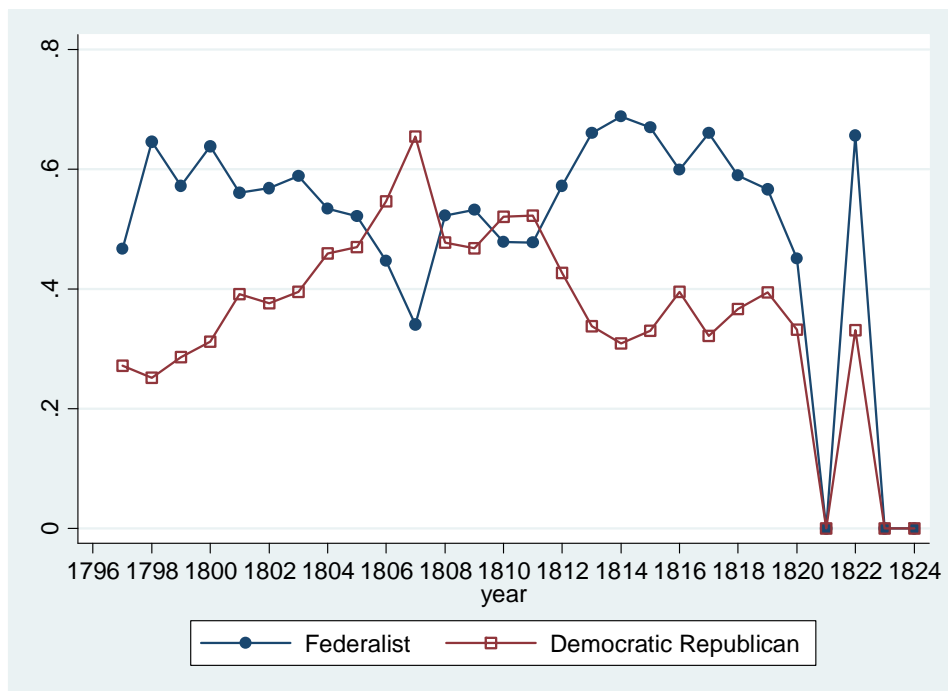


Figure 4: House Composition, 1797-1824
Source: Dubin

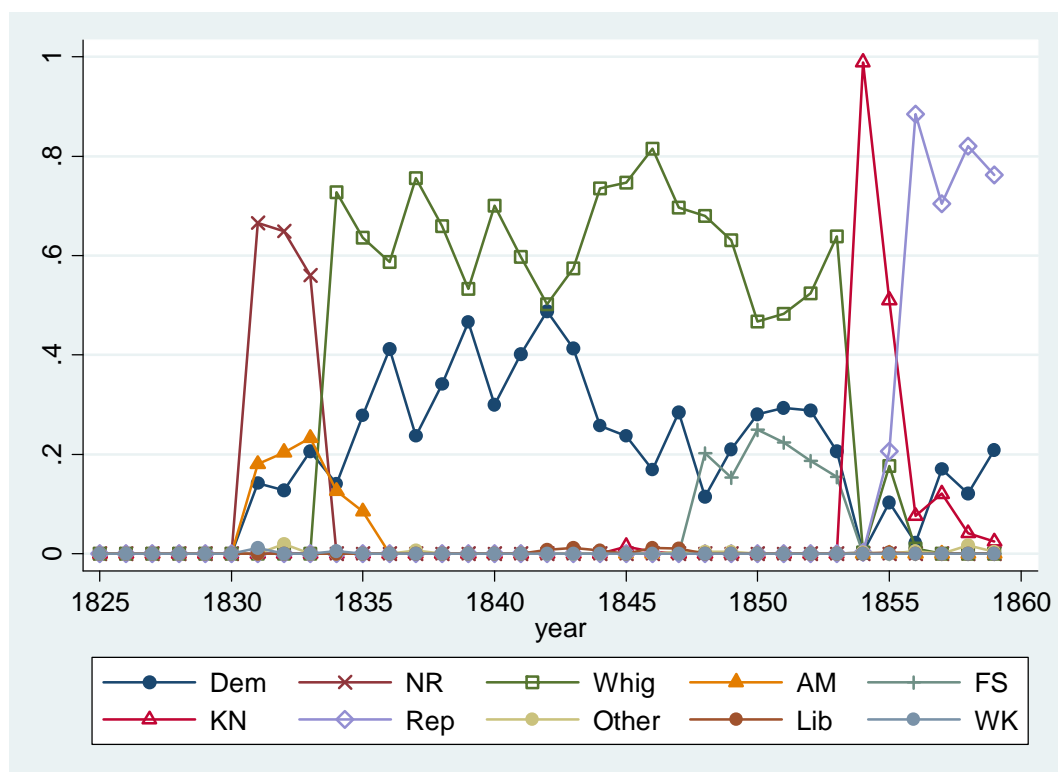


Figure 5New: House Composition, 1825-1859. Source: Dubin

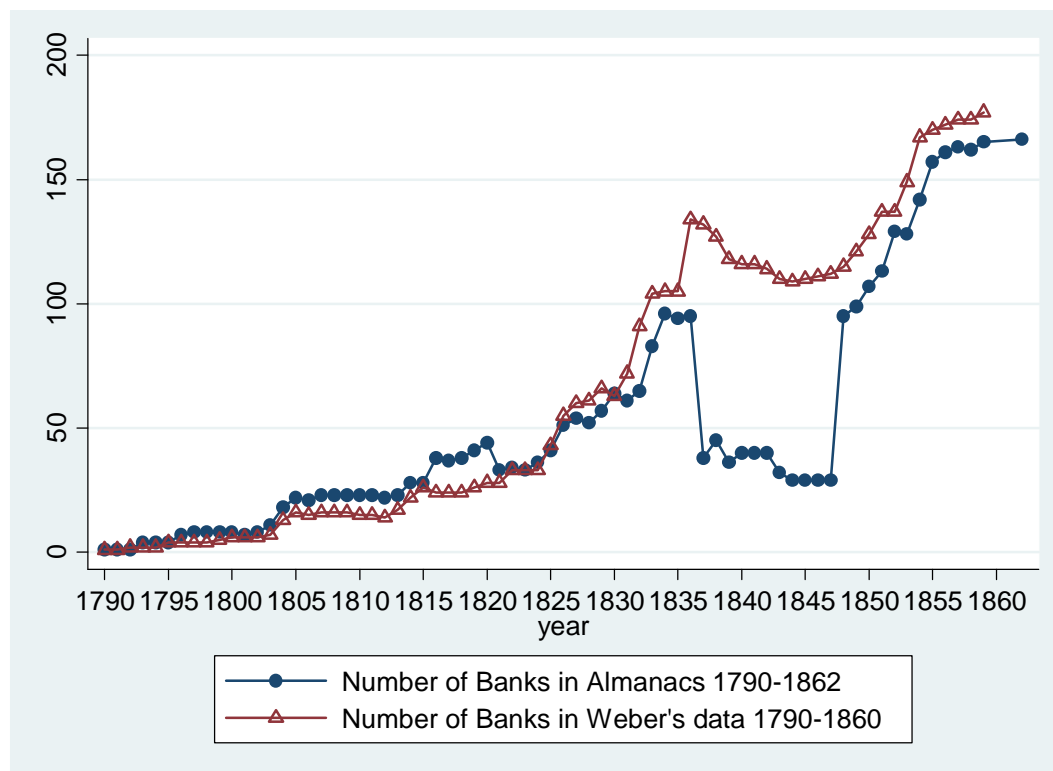


Figure 6: Number of Banks in the Registers and Weber's data, 1790-1862
 Sources: Number of Banks in the Registers comes from Massachusetts Registers (1790-1862), Massachusetts State Library. Number of Banks in Weber's data comes from Weber "Census of State Banks" (2011)

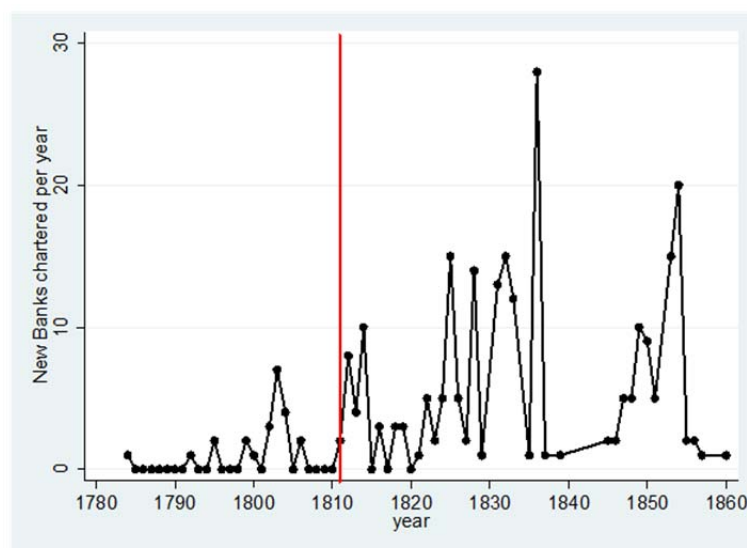


Figure 7: Number of New Charters excluding Renewals, 1780-1860

Source: Sylla and Wright (2012)

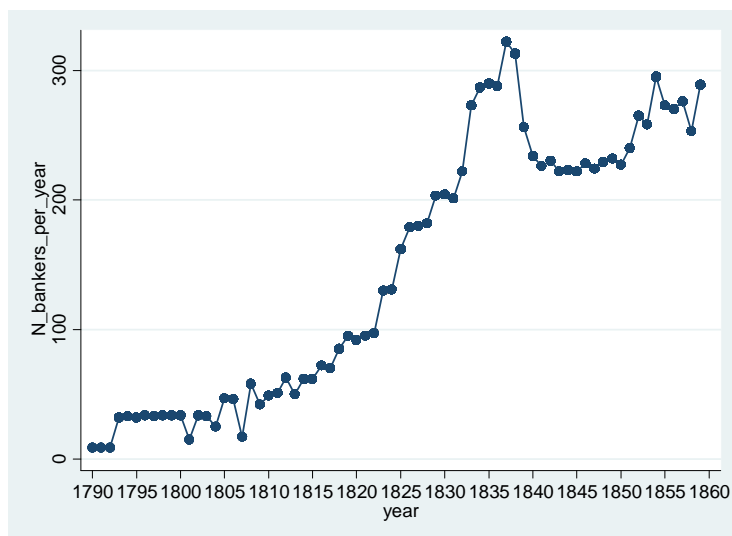


Figure 8: Number of Boston Bank Directors and Presidents in the Registers, 1790-1859

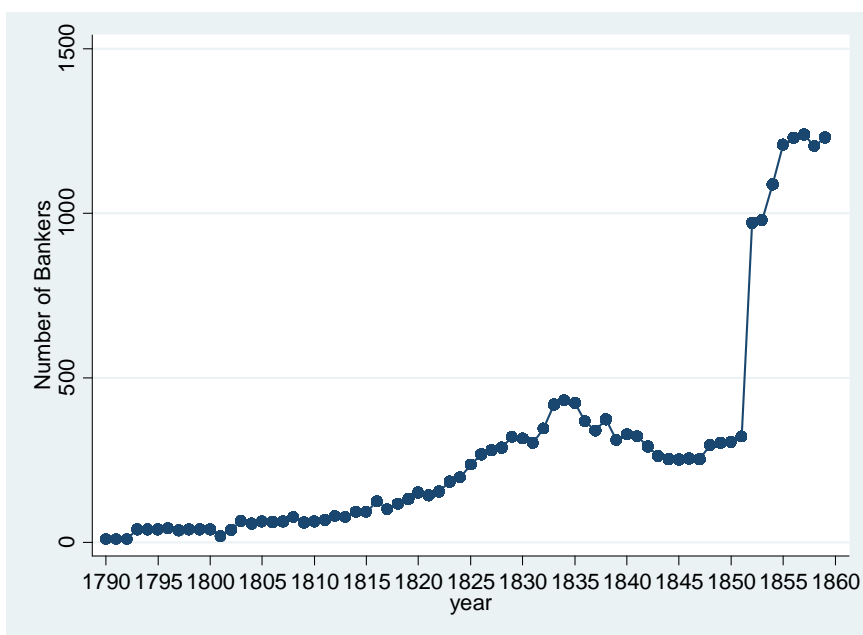


Figure 9: Number of Bank Directors and Presidents in the Registers (1790-1859)

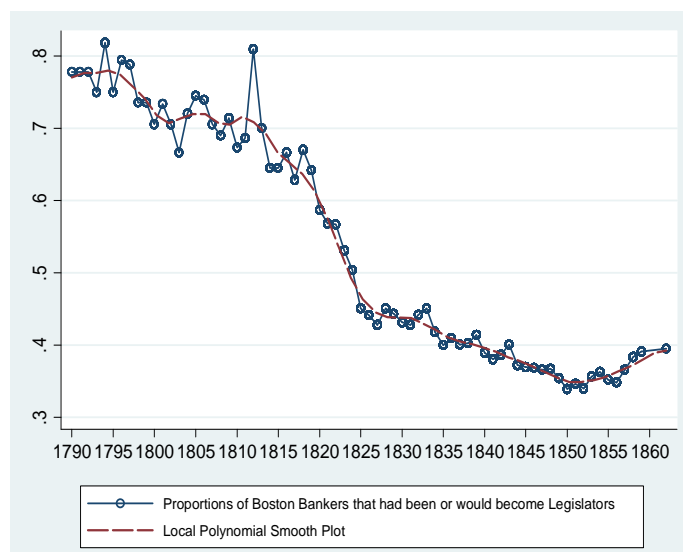


Figure 10: Proportions of Boston Bank Directors and Presidents who had been or would become Legislators, and Local Polynomial Smooth Plot, 1790-1859

Source: Massachusetts Registers (1790-1859), and Massachusetts Legislators Biographies (1780-2003). Both are from Massachusetts State Library.

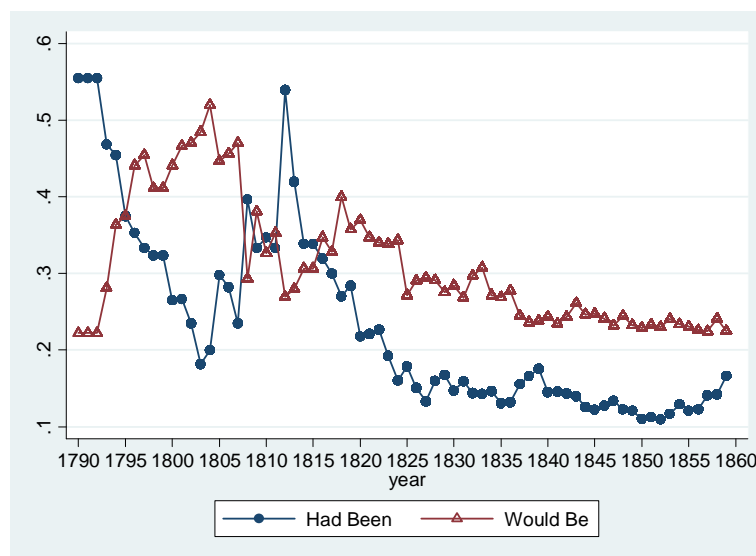


Figure 11: Proportions of Boston Bank Directors and Presidents who had been Legislators, and Proportions of Boston Bank Directors and Presidents who would be Legislators, 1790-1859.

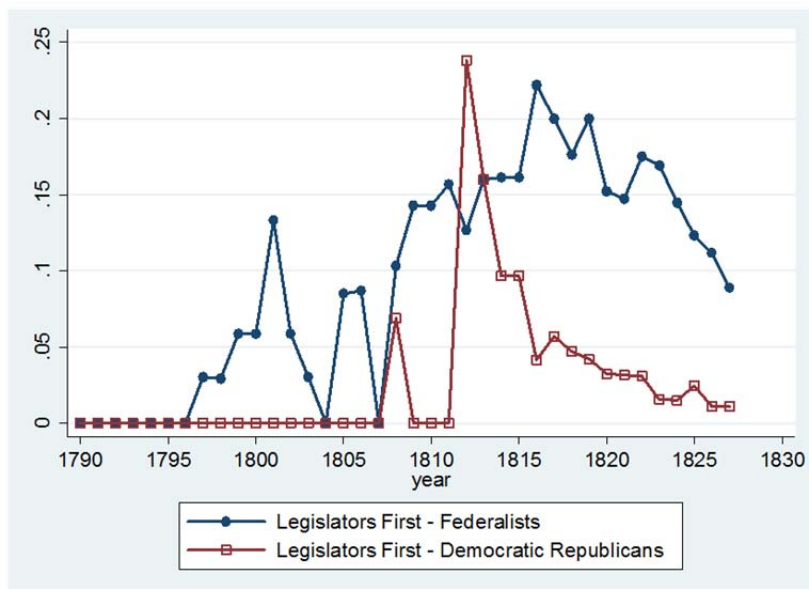


Figure 12: Proportions of Boston Bankers that had been Federalist or Republican Legislators before they became Bank Directors and Presidents, 1790-1827

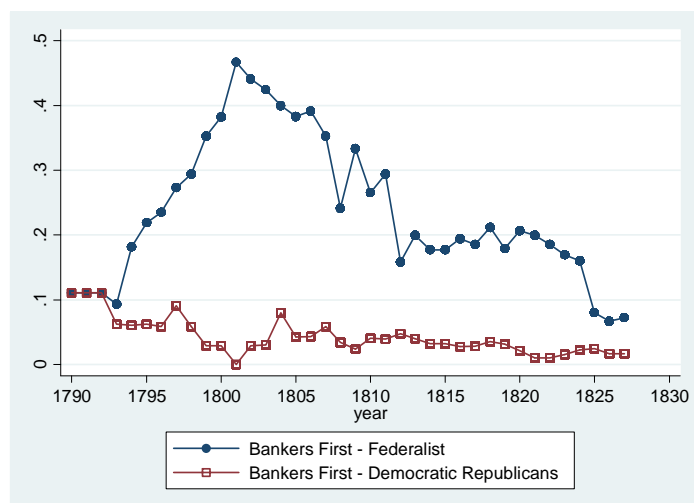


Figure 13: Proportions of Boston Bankers who became Federalist or Republican Legislators after they became bankers, 1790-1827

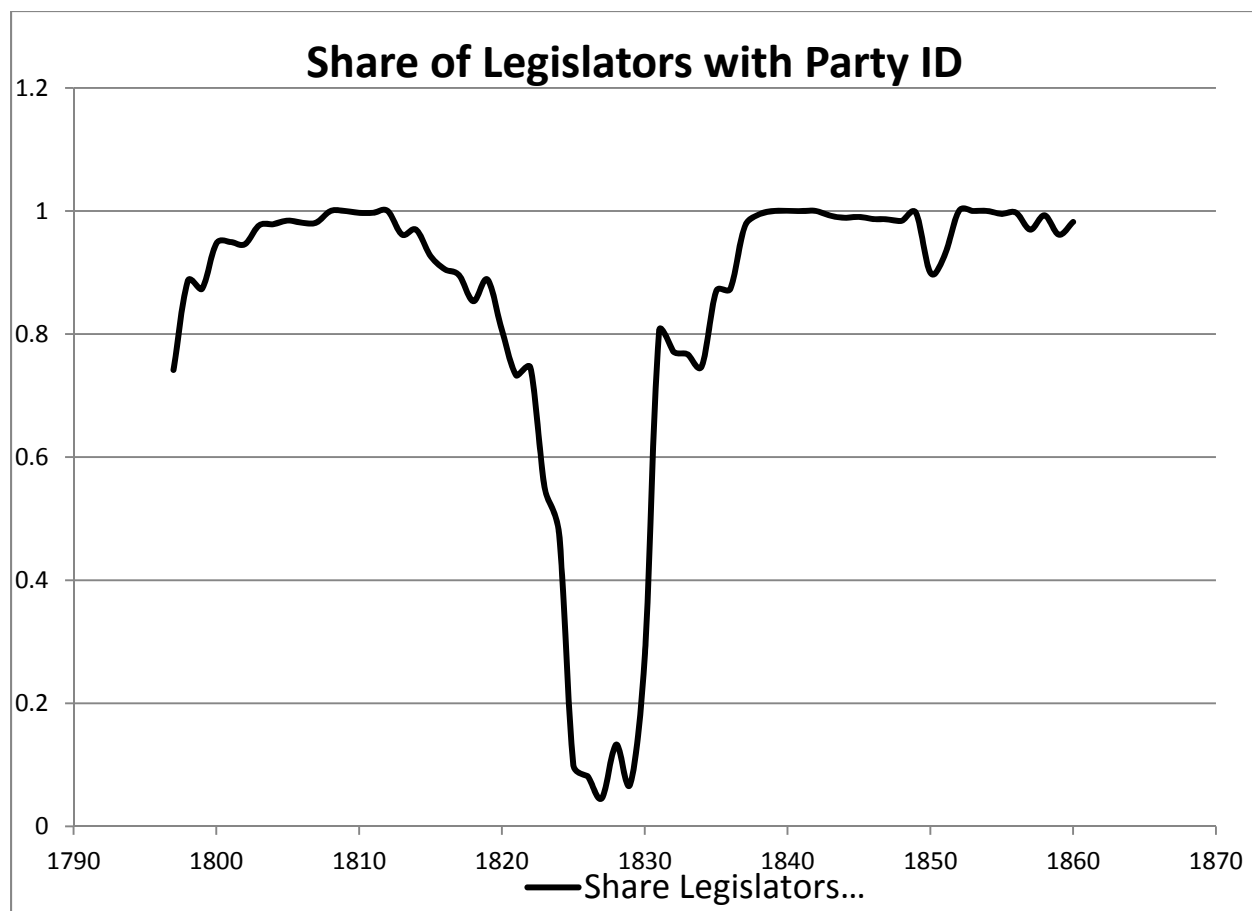


Figure 14: Share of all Legislators (not just bankers) who have a Party ID in the *Legislative Biographies*.

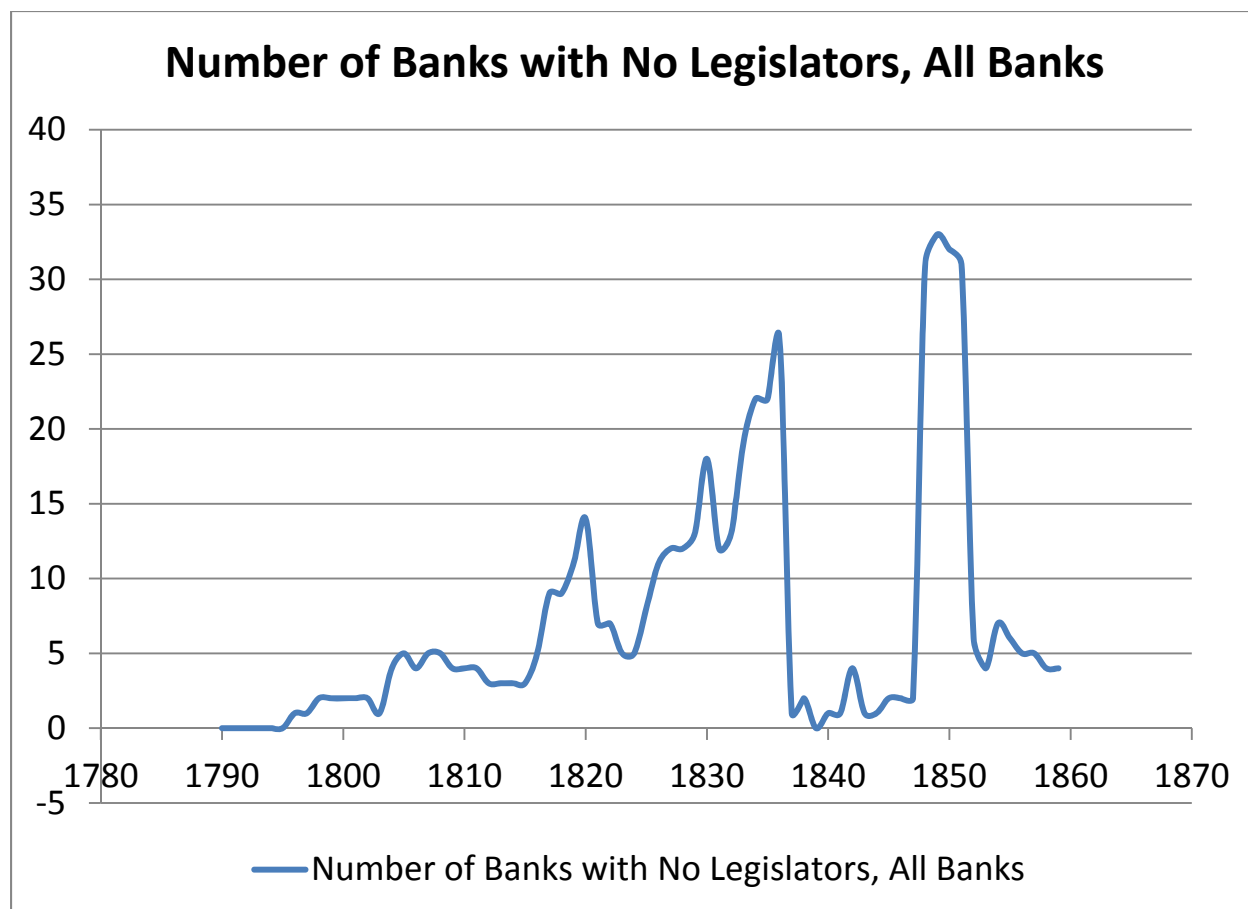


Figure 15: The Number of Banks with No Legislators as President or a Director, All Banks (whether they have Directors or not), 1790 to 1859.

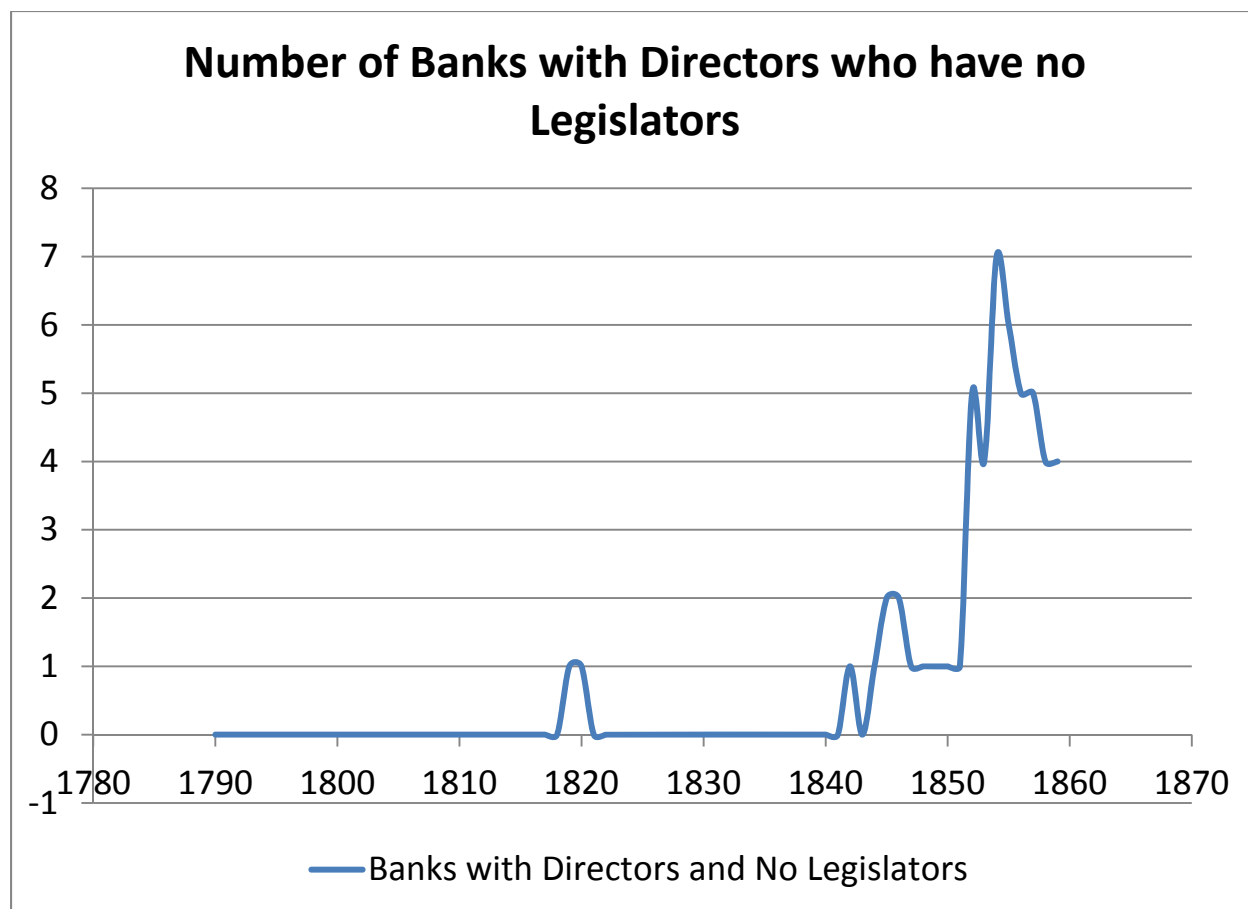


Figure 16: Number of Banks with Directors who have No Legislators, 1790-1859. This sample excludes banks with only Presidents in the Registers.

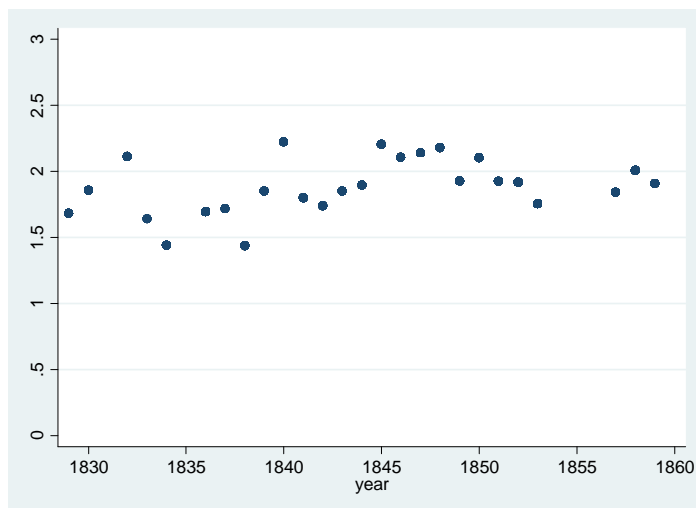


Figure 17: The ratio of Average Wealth of Bankers to Wealthy Taxpayers

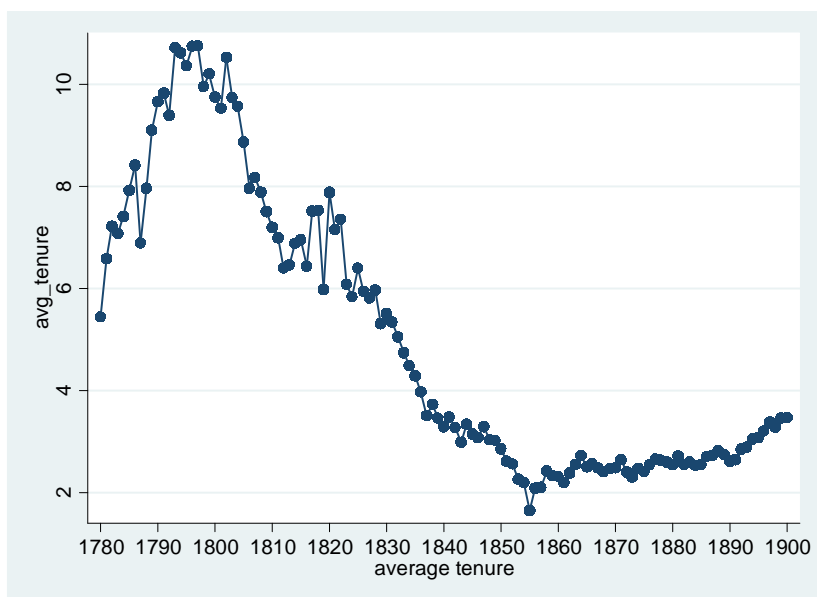


Figure 18: Annual Average Tenure of State Legislators, 1780-1900.

Source: Legislators' Biographies.

Table 1
The Number of Bankers in the Massachusetts Registers Total,
The Number of Bankers who had been or would be Legislators,
And the Number of Bankers who were Legislators with a Party ID

Period	Number of Bankers	Number of Bankers who were Legislators	Number of Bankers who were Legislators w/Party ID	Share of Bankers who were not Legislators	Share of Bankers who were Legislators	Share of Legislators w/o Party ID
Column	(1)	(2)	(3)	(4)	(5)	(6)
1790-1799	307	233	98	0.24	0.76	0.42
1800-1809	545	391	272	0.28	0.72	0.70
1800-1812	771	562	399	0.27	0.73	0.71
1810-1819	954	664	503	0.30	0.70	0.76
1820-1825	842	475	395	0.44	0.56	0.83
1825-1839	5036	2302	1883	0.54	0.46	0.82
1840-1859	12599	5585	5032	0.56	0.44	0.90
Total	21054	10212	8582			

Source:

Data taken from the Massachusetts State Library *Legislative Biographies*, and Massachusetts Registers.

Notes:

For each time period, the total number of banker years is counted, column (1), an individual banker may be included in more than one year. Then bankers who had been or would be legislators are counted, column (2). Then bankers who were legislators and were given a Party ID in the *Legislative Biographies*, were counted, column (3).

Column (4) = ((1)-(2))/(1)

Column (5) = (2)/(1)

Column (6) = (3)/(2)

Table 2
Number of New Bankers in Sample
Number of New Bankers who are also Legislators

	ALL	Banker Only	Banker&Leg	%Banker Only	%Banker/Leg
	(1)	(2)	(3)	(4)	(5)
1790-1799	74	25	49	0.34	0.66
1800-1809	81	32	49	0.40	0.60
1800-1812	105	40	65	0.38	0.62
1800-1815	142	54	88	0.38	0.62
1810-1815	61	22	39	0.36	0.64
1815-1819	95	47	48	0.49	0.51
1815-1825	309	171	138	0.55	0.45
1820-1825	214	124	90	0.58	0.42
1820-1829	396	221	175	0.56	0.44
1830-1839	482	286	196	0.59	0.41
1840-1849	176	110	66	0.63	0.38
1850-1859	1346	749	597	0.56	0.44

Note:

All Bankers, column (1), are all the individual bankers reported in the Massachusetts Registers.

In contrast to Table 1, each banker is only counted once in Table 2.

Bankers only, column (2), are never legislators.

Bankers& Leg, column (3), either had been or would become a legislator.

Table 3
All New Bankers, By Legislator or not, and By Party or not

	As Share of all Bankers			As Share of all Banker/Legislators					
	1790-1815	1816-1824	1825-1859	1790-1815	1816-1824	1825-1859	1790-1815	1816-1824	1825-1859
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Bankers	217	218	2285						
Not Legislators	80	121	1310	0.37	0.56	0.57			
Legislators	137	97	975	0.63	0.44	0.43	1.00	1.00	1.00
W/PartyID	87	80	857	0.40	0.37	0.38	0.64	0.82	0.88
Parties:									
Federalist	54	49		0.25	0.22		0.39	0.51	
Dem-Republican	29	17		0.13	0.08		0.21	0.18	
Other	4	14		0.02	0.06		0.03	0.14	
Whig			316			0.14			0.32
Republican			169			0.07			0.17
Democrat			159			0.07			0.16
Nat/Republican			80			0.04			0.08
Federalist			59			0.03			0.06
Know Nothing			25			0.01			0.03
Other			49			0.02			0.05
No Party	50	17	118	0.23	0.08	0.05	0.36	0.18	0.12

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