

Biography of Theophilus Parsons



PARSONS, Theophilus, an American jurist (born in Byfield, Essex County, Massachusetts, 24 February, 1750" died in Boston, Massachusetts, 30 October 1813.)

His father, Moses, was a Congregational clergyman and pastor of the church in Byfield for more than forty years. Born in Newbury, Massachusetts,, Parsons was one of the early students at the Dummer Academy (now The Governor's Academy) before matriculating to Harvard College. Theophilus graduated at Harvard in 1769, was a schoolmaster in Falmouth (now Portland, Maine) from 1770 to 1773; and in 1774 was admitted to the bar of Falmouth, Massachusetts (now Portland, Maine). In 1775, his career was interrupted by the almost total destruction of that town by the British and he returned to Byfield, where he received the

assistance and instruction of Judge Edmund Trowbridge, and laid the foundation of his vast legal learning.

Settling in Newburyport, Massachusetts, he acquired a lucrative practice, which gradually embraced all the New England states. He possessed much influence as a Federalist leader and filled a number of important public posts. He attended the First Religious Society of Newburyport, presided by the well-known, Reverend Lowell which at that time was a firm Congregationalist polity. He was greatly respected by local leaders from Ipswich and Newburyport. He was a member of the Essex County convention of 1778—called to protest against the proposed state constitution. In 1778 he formed the "Essex Junto," a body of citizens of Essex County who opposed the adoption of the state constitution that had been previously framed by the Massachusetts legislature. He was the author of the pamphlet called the "Essex Result," which contributed largely to the rejection of the original draft.

Years later, this was re-published in the memoir of the author by his son and is considered one of the founding documents to the forming of the United States of America. Parsons was a member of the state constitutional convention of 1779–1780 and one of the committee of 26 who drafted the constitution. In 1788 attended the convention to ratify the constitution of the United States, which he actively supported. He was also a delegate to the state convention of 1788 which ratified the Federal Constitution. He proposed amendments to the constitution, which did much to win over Samuel Adams and John Hancock to ratification. He was the author of the proposition that was offered by John Hancock, ratifying the instrument and recommending certain amendments known as the "Conciliatory Resolutions." During this time, he was elected a Fellow of the American Academy of Arts and Sciences in 1781. In 1792, he briefly was a candidate for the U.S. House of

Representatives but lost in the election. After that brief foray into politics, he greatly influenced the state legislature, but took no active part in public affairs, or pursued again a political office; although he remained a consistent staunch Federalist.

In the Essex Result, he advocated for two key concepts that later became the keystones of the U.S. Constitution. First, that each institution in the government, judicial, legislative, & Executive should have equal representation and be independent of the others as a check and balance against the excess of the other institutions. Second, basic rights limiting the government's authority be instituted. Besides heavily influencing James Madison, the Father of the Constitution; he also influenced John Adams, who put a 'Bill of rights' in the front of the Massachusetts Constitution. (The first constitution in the world.) Facing mounting opposition, Madison reluctantly advocated for the addition of the Bill of Rights copying Virginia's version but adding four amendments that Parsons had suggested.

He lived in an expansive mansion on Green Street and had a law office on Federal Street (Previously King Street) He married Elizabeth Greenleaf, a daughter of a prominent Newburyport family. His fame was widespread throughout the newly formed United States resulting on John Adams sending his son, John Quincy Adams, to receive tutelage from 1787 to 1789 from Parsons considered the finest judicial mind in the country. Later, President Adams, his son, wrote about the fond memories he had of his stay in Newburyport. His wife gave birth to a son, Theophilus Parsons, Jr. on May 7, 1797. He grew up to be an author and Harvard professor.



Theophilus and his wife removed to Boston in 1800, and from 1806 until his death was Chief Justice of the Supreme Court of the state. Judge Parsons was a classical scholar and a mathematician of ability, His legal decisions threw much light on the laws of pleading, marine insurance, and real property, and he rendered substantial service to the community by discountenancing delays and expediting the trial of causes. He possessed a remarkable memory and was no less famous for his wit than for his attainments. Chief-Justice Lemuel Shaw said of him:

"No person was probably more versed in the early history, laws, institutions, manners, and local usages of the settlers of New England, and the public are deeply indebted to him for much that has been preserved on these subjects in the reports of his judicial decisions."

One of the principles held firmly by Theophilus Parsons were embraced by the Society of Cincinnati. The primary concept that public office should be done for the sake of the community, and all glory should be eschewed. While others that contributed received awards and recognition; Parsons was content to be in the background actively serving.

He was a firm Federalist as were most of his fellow Newburyport citizens but unfortunately saw their influence against Jefferson's Democrat-Republicans sharply wain in the eve of the War of 1812. It was at this point that the Northeast corner of Essex County lost national political influence when Newburyport threatened to succeed from the Union due to strong opposition to waging War. The rest of the country were so outraged that their commercial interests outweighed the nation's protection.

Though he has been largely forgotten nationally, his contributions to public discourse is still felt today in Boston and definitely in Washington, D.C. The rest of the world is horrified at the supposed chaos in the halls of the U.S. Capitol not realizing that this division is what has made the United States the most powerful nation in the world and a beacon for liberty as each branch of government limits the excess of the other branches framed by the protection of rights by the citizens.

Just before his death, he was also elected a member of the American Antiquarian Society in 1813. Chief Justice Parsons died in Boston on October 30th, 1813 at the age of 63.. His son, also named Theophilus Parsons (1797–1882), went on to be an author and a professor at Harvard. Much of his father's achievements were documented by him.

References:

Memoir of Theophilus Parsons, by Theophilus Parsons, Jr., (Boston, 1859).

A collection of his opinions was published under the title of "Commentaries on the Laws of the United States" (New York, 1836).

Chisholm, Hugh, ed. (1911). "Parsons, Theophilus". *Encyclopedia Britannica*. Vol. 20 (11th ed.). Cambridge University Press. pp. 868–869.

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Post Notes: (Much of what we know of his Father's achievements derive from Commentaries produced in 1836, and biographical notes which is why his biography is included:)

Professor Theophilus Parsons, Jr.

His son, Theophilus, author, born in Newburyport, Mass., 17 May, 1797: died in Cambridge, Massachusetts, 26 January 1882, was graduated at Harvard in 1815, studied law, and after a tour abroad settled first in Taunton and afterward in Boston. For several years he engaged in literary pursuits and founded and edited the "*United States Free Press*."

From 1847 until his death, he was Dane professor of law in Harvard, and he received the degree of LB. D. from that institution in 1849. He published the memoir of his father in 1859.

He was an early convert to the New Jerusalem church and wrote much in defense and exposition of its doctrines and several works on Swedenborgianism, including three volumes of "Essays" (1845); "Deus tiered" (1867); "The Infinite and the Finite" (1872); and "Outlines of the Religion and Philosophy of Swedenborg" (1875).

But it is as a legal writer that he is best known, and his publications on that subject include "The Law of Conscience" (2 vols., 1853; 5th ed., 3 vols., 1864); "Elements of Mercantile Law" (1856); "Laws of Business for Business Men" (1857); an elaborate and comprehensive treatise on "Maritime Law," including the law of shipping, the law of marine insurance, and the law and practice of admiralty (2 vols., 1859); "Notes and Bills of Exchange" (2 vols., 1862); "Shipping and Admiralty" (2 vols., 1869); and "The Political, Personal, and Property Rights of a Citizen of the United States" (1875).