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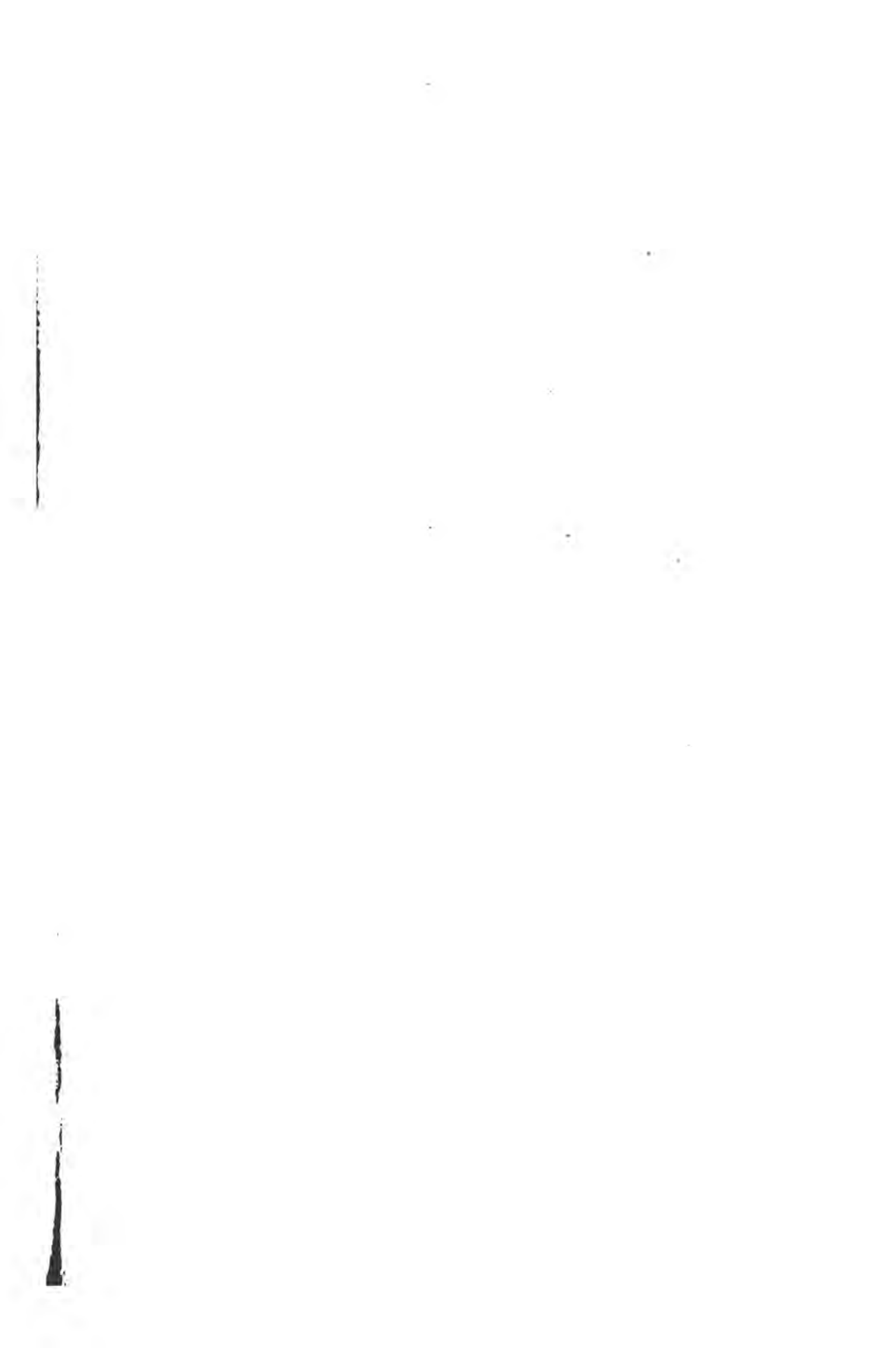
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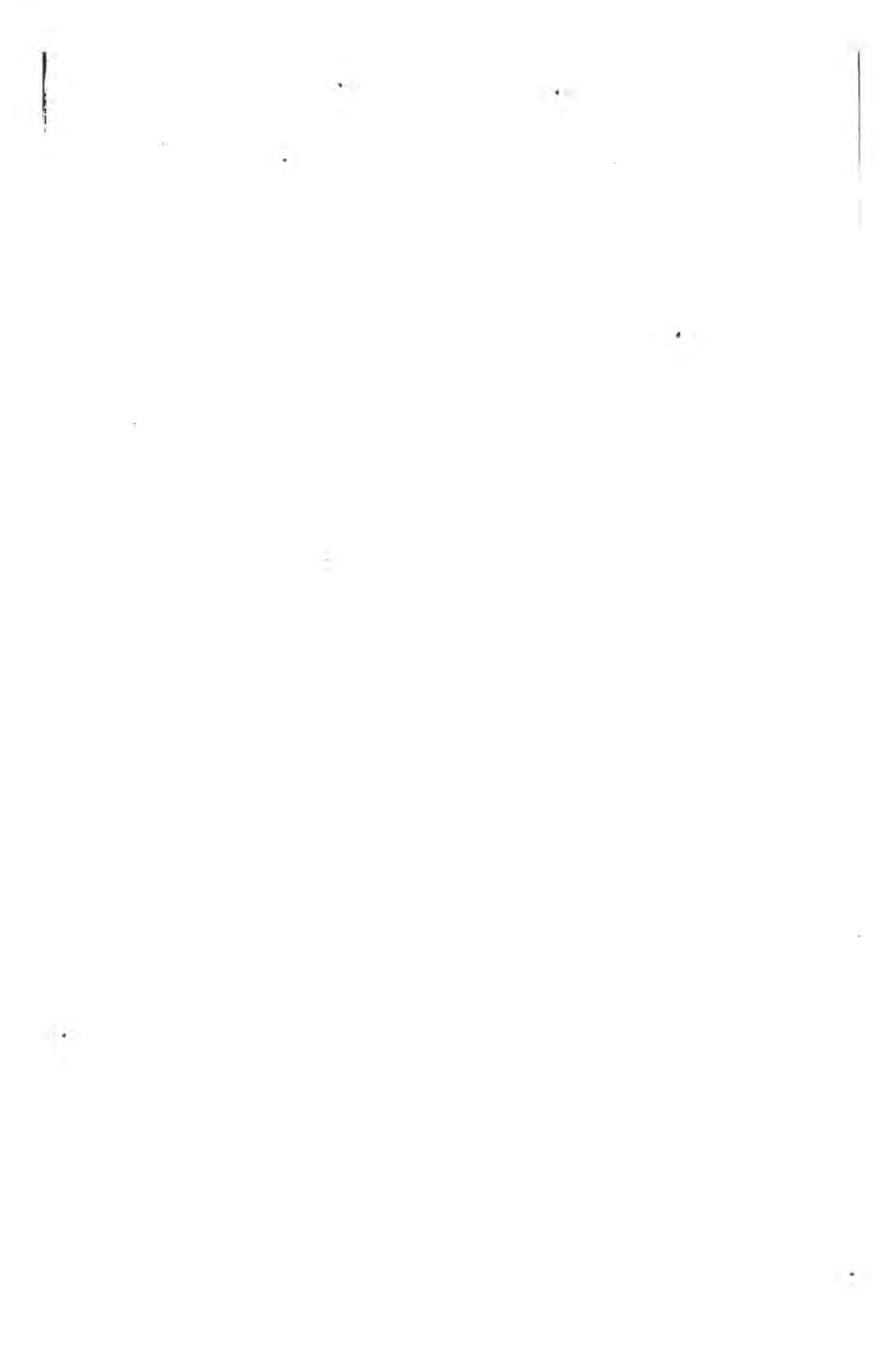
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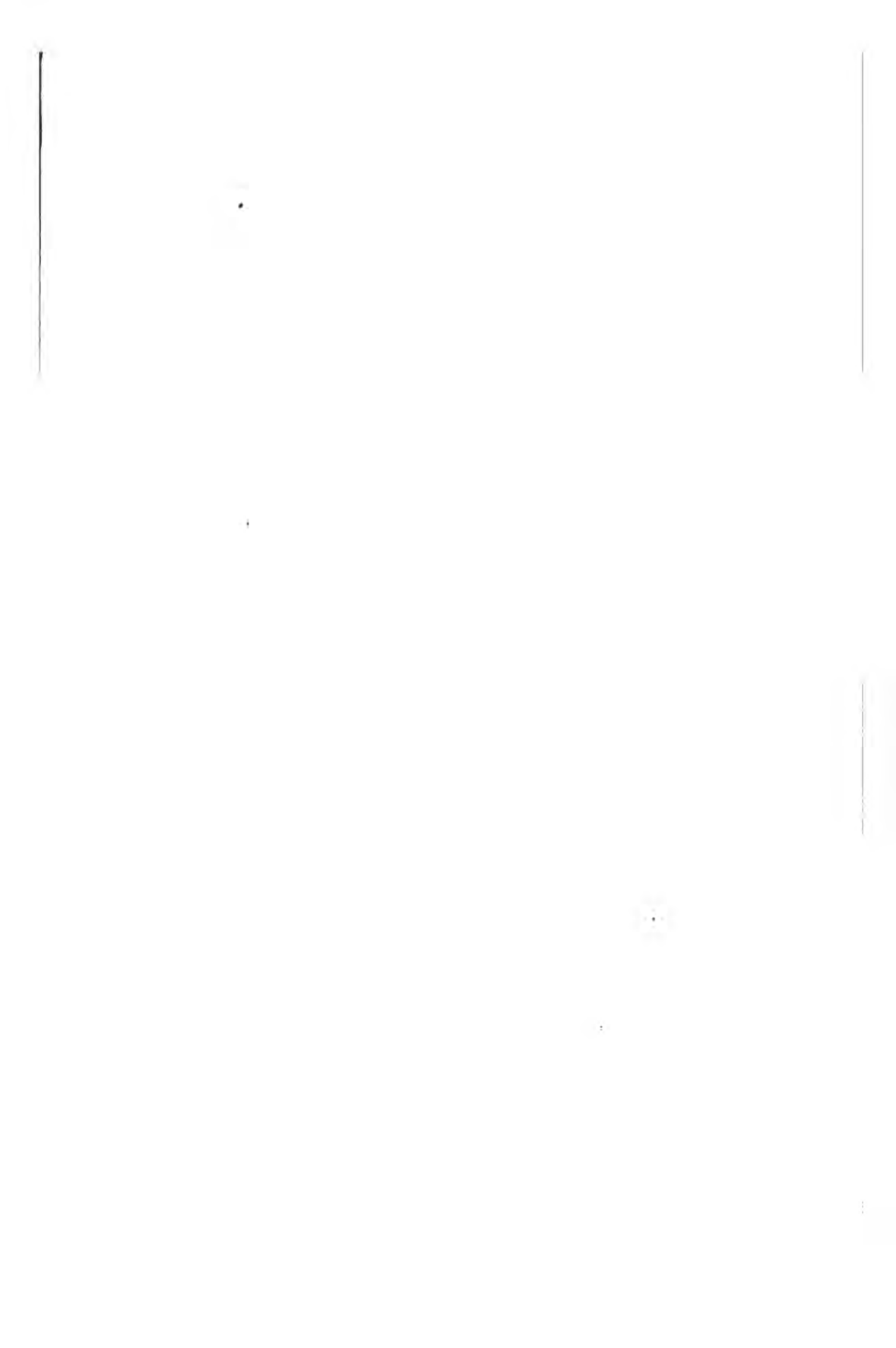
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RHODE ISLAND

ITS MAKING AND ITS MEANING

A Survey of the Annals of the Commonwealth from its
Settlement to the Death of Roger Williams

1636-1683

BY

IRVING BERDINE RICHMAN

WITH AN INTRODUCTION BY

JAMES BRYCE, M.P., D.C.L.

AUTHOR OF "THE AMERICAN COMMONWEALTH"

VOLUME I

G. P. PUTNAM'S SONS
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**FREEDOM OF CONSCIENCE AND
THE RIGHTS OF MAN**

VOL. 1.

INTRODUCTION

RHODE ISLAND is the smallest by far of all the States of the American Union; it has an area of only 1085 square miles, less than that of the County of Ayr in Scotland. But within this narrow space, and with a population which was until in recent years but slender, Providence grew into a great manufacturing city and Newport became the favorite home of wealth and luxury. Rhode Island has had a singularly interesting and eventful history, all the more interesting because in a tiny community the play of personal forces is best seen and the characters of individual men give color to the strife of principles and parties. Thus some touch of that dramatic quality which belongs to the cities of Greece and Italy recurs in this little republic on Narragansett Bay. Unlike in many ways as were the settlers who went forth from England under the Stuarts to the Greeks of two thousand years earlier, some of the questions which troubled both were the same, and bore fruits not wholly dissimilar. Nor are points of likeness wanting to the history of some of the older cantons of Switzerland.

Mr. Richman, who is favorably known to stu-

dents of history by his book on Appenzell, has essayed in the present volumes to chronicle the fortunes of Rhode Island in its earlier days. The peculiar interest of those days lies in the fact that this colony was in a special sense the offspring and the embodiment of certain distinctive and novel ideas in the sphere of religion and politics. This character it owes to one man. Roger Williams, born just three centuries ago (probably in A.D. 1603), was the founder of Rhode Island in a clearer and ampler sense than any other single man — scarcely excepting William Penn — was the founder of any other American colony; for he gave it a set of principles which, so far as the New World was concerned, were peculiarly his own, and these principles long continued to affect its collective life. The men of Virginia were ordinary Englishmen of the class then dominant in England. The men of Massachusetts and Connecticut were Puritans of the normal seventeenth-century type, earnest and God-fearing, but almost as ready to persecute heretical opinions as they had found the church of Archbishop Laud ready to persecute them. Roger Williams had a new doctrine. In point of doctrine he seems to have been an orthodox Puritan, gifted with a double portion of the dissidence of dissent, although so "lovely in his carriage" that the hostility he roused did not take the form of hatred to himself personally. But he was the first apostle in New England of the theory of absolute freedom for the individual in matters of religion, with the consequent denial of the right of the civil magis-

trate to intermeddle in any wise with such matters. He was not the first discoverer of this great and wholesome principle, for isolated voices had for a century before his time uttered it in more or less explicit terms. But he was so much the most zealous and active exponent of it in America, and Rhode Island was so conspicuously the first colony to apply it in practice, that he and his community deserve to be honored by those who hold that one of the chief services which the United States has rendered to the world consists in the example set there of a complete disjunction of religious worship and belief from the machinery of civil government.

Upon this foundation, and upon the cognate principle of the fullest recognition of the rights of the individual in the civil sphere also, the commonwealth of Rhode Island was built, and thus it became the refuge of those who sought to escape from the grim stringency of the Massachusetts Theocracy. Roger Williams was in a sense before his time; and he may not in some respects have fully appreciated the results of his own principles. But the principles spread and the work told, though in Europe, with its solid mass of institutions inherited from the middle ages, no great progress was made till the spirit of political revolt and the spirit of critical inquiry came in to quicken the march of ideas.

A no less honorable and scarcely less important part of Williams's doctrines was his recognition of the right of the native Indians to their lands. His respect for their rights, his wish to deal fairly and live peaceably with the aborigines are among the

most attractive features of his character and entitle him to be numbered in the noble band to which Las Casas and Penn and Wilberforce belong.

The story of the beginnings of Rhode Island is full of varied interest and Mr. Richman tells it well. He delineates Roger Williams with insight and with sympathy. He sets clearly before us the conditions under which the little community started on its long and chequered course. The enormous changes which have passed in America during the last sixty years do not diminish — indeed, they rather increase — the value of a study of the days wherein the foundations of this mighty edifice were raised.

We live in a time of great States, when the right of small nations to exist is arrogantly denied by those who do not comprehend the worth of variety and of free individual development. But it ought to be remembered that down till the sixteenth century almost all the work we still prize in literature, in art, in philosophy and in religion, as well as in the creation of institutions, had been done by the citizens of small cities or by the members of small tribes. The gigantic nations of to-day, highly vitalized as they are by facilities of communication and transport, do not produce what Athens and Florence produced in the centuries of their prime.

JAMES BRYCE.

LONDON, August 1, 1902.

PREFACE

THE title selected for the following pages, — Rhode Island, its Making and its Meaning, — is not a mere matter of words. The meaning of Rhode Island (to speak of that first) is, I take it, clear and precise. It is primarily that Roger Williams, and the commonwealth which he founded, established earlier and more fully than any other man or community the principle of Freedom of Conscience in religion; and in the next place it is that Rhode Island itself established earlier and more fully than any other community the political principle of Individualism, — a principle since better known as that of the Rights of Man.

It will be observed that a distinction is here drawn between the work performed chiefly by Roger Williams and that performed chiefly by Rhode Island. Williams understood the whole subject of Freedom of Conscience in religion. It has not been found possible to add anything to his exposition of this subject. But while this is true, Williams did not understand some things which were involved in and corollary to his doctrine of Soul Liberty, and which were worked out through much storm and stress by the commonwealth which

he founded. That is to say, he did not (as is shown at Chapter XI.) understand the bearings of Soul Liberty in the political domain. Rhode Island, however, did understand these bearings, and the consequence is that to the principle of religious freedom (which by nearly universal consent is placed to the credit of Rhode Island) there must be added the derived though no less weighty principle of political freedom expressed in the doctrine of the Rights of Man and of the Individual: that doctrine which came to underlie both the American War for Independence and the great Revolution in France.¹

So much for the meaning of Rhode Island. A word now as to its making. This,—as will be seen,—was a process both slow and tortuous. Freedom of Conscience, even in religion, was not at first formally recognized on Aquidneck; and as for the Rights of Man and of the Individual, that principle was only established amid a series of jarring scenes

¹ Dr. Georg Jellinek of the University of Heidelberg says in his essay, "The Declaration of the Rights of Man and of Citizens" (translated into English last year): "The right of the liberty of conscience was proclaimed by Roger Williams and with it came the conception of a universal right of man." Again he says: "With the conviction that there existed a right of conscience independent of the State was found the starting point for the determination of the inalienable rights of the individual."

It is the thesis of Dr. Jellinek that the authors of the French Revolution derived their idea of the Rights of Man not from European philosophers or from the American Declaration of Independence, but from the charters of the English colonies in America. These charters contained assertions of inalienable rights all growing out of the basic right of Soul Liberty or Freedom of Conscience. The Doctor emphatically avers: "What has been held to be a work of the [French] Revolution [the establishing of inherent and sacred rights of the individual] was in reality a fruit of the Reformation and its struggles. Its first apostle was not Lafayette but Roger Williams."

in which the propelling forces were Anne Hutchinson and Samuel Gorton, and the restraining ones, William Coddington, John Clarke, and Roger Williams.

In the preparation of the book herewith submitted to the public, I have been aided with great kindness and patience by Mr. William E. Foster, librarian of the Providence Public Library; Mr. Clarence S. Brigham, librarian of the Rhode Island Historical Society; Mr. George Parker Winship, librarian of the John Carter Brown Library; Mr. H. L. Koopman, librarian of Brown University; Mr. Edward Field, clerk of the Providence Municipal Court; Mr. George T. Paine of Providence, Mr. William P. Sheffield, Jr., of Newport, and Mr. Reuben G. Thwaites and Miss Florence E. Baker of the Historical Society at Madison, Wis.

I. B. R.

MUSCATINE, IOWA,
September, 1902.



CONTENTS

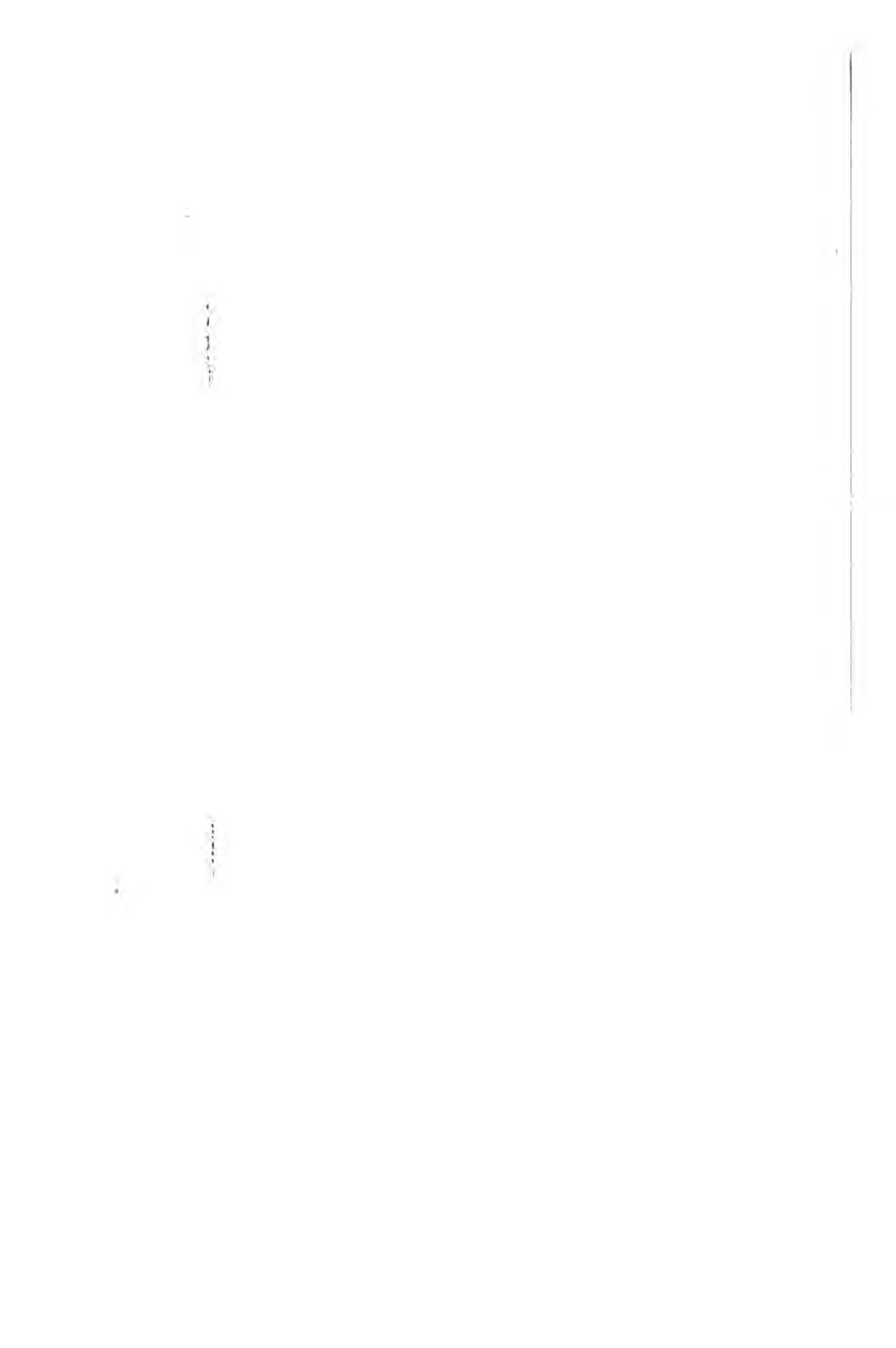
CHAPTER	PAGE
INTRODUCTION BY JAMES BRYCE	v
<i>RHODE ISLAND FOUNDED AND PERPETUATED</i>	
I. THE PURITAN THEOCRACY AND ROGER WILLIAMS	3
II. THE EXPULSION OF THE ANTINOMIANS	34
III. ROGER WILLIAMS AND THE NARRAGANSETT INDIANS	63
<i>THE PRINCIPLE OF FREEDOM OF CONSCIENCE IN RELIGION MADE BY RHODE ISLAND ITS CORNER-STONE, AND THE STRUGGLE FOR POLITICAL INDIVIDUALISM BEGUN.</i>	
IV. THE MAINLAND AND THE ISLAND	
I. THE MAINLAND: PROVIDENCE—WARWICK . .	83
II. THE ISLAND: PORTSMOUTH—NEWPORT . .	117
V. EARLY RHODE ISLAND GOVERNMENT AS REVEALED IN THE LAND SYSTEMS OF PROVIDENCE AND AQUIDNECK	152
<i>TOLERATION FOR FREEDOM OF CONSCIENCE IN RHODE ISLAND CONCEDED BY THE ENGLISH GOVERNMENT, AND MASSACHUSETTS DEFEATED IN ITS ATTEMPT TO EXTINGUISH RHODE ISLAND HERESY.</i>	
VI. ROGER WILLIAMS IN ENGLAND—THE PATENT OF 1644 AND DEATH OF MIANTONOMI	165

VII.	ROGER WILLIAMS IN ENGLAND [CONTINUED]—	
	THE HARRYING OF THE GORTONISTS .	197

*POLITICAL INDIVIDUALISM GRANTED LARGE
RECOGNITION IN THE FIRST RHODE ISLAND CON-
STITUTION, BUT SOUGHT TO BE CHECKED IN
ITS ADVANCE BY WILLIAM CODDINGTON.*

VIII.	ORGANIZATION OF PROVIDENCE PLANTATIONS AND DEATH OF CANONICUS . . .	233
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Rhode Island Founded and Perpetuated



CHAPTER I

THE PURITAN THEOCRACY AND ROGER WILLIAMS

RHODE ISLAND may be described as the reactionary offspring of Massachusetts. In order, therefore, to understand Rhode Island history in its early period, it will be necessary to take into consideration certain facts connected with the founding of the parent commonwealth. These facts are two: first, that Massachusetts in its inception was that distinctively secular institution, a company of English capitalists, corporately organized for trade under a charter which set forth with more or less completeness the powers, privileges, and capacities of the company; and second, that notwithstanding this, Massachusetts, almost immediately upon its erection upon the shores whence its name was derived, became a Theocracy, —a Church-State¹ fairly dividing honors with Judea of old in the rigorous assiduity with which it strove to serve the Lord day and night.

¹ "It was a Church of Christ which settled on these shores in 1628 and the following years. . . . The State was an outgrowth from the Church, was its offspring and its handmaid. . . . It was literally true that the State was only the Church acting in secular and civil affairs."—John A. Vinton, *Cong. Quarterly*, 1873, p. 407.

The second fact suggests irresistibly the conclusion, that whatever the artificial form vouchsafed by Charles I. to the Massachusetts Company, the real object of the members—an object none the less real that it may have been but vaguely comprehended by the greater part—was to escape royal and priestly domination, and, as noted by the Governor, John Winthrop, on the voyage over, “to seek out a place of cohabitation and consortship under a due form of government both civil and ecclesiastical.”¹ It does not follow, however, that, because the real object of the Puritans was as stated, the fact of their organization as a trading company was without effect upon their subsequent course and polity. The charter provided for a Governor, a Deputy Governor, and eighteen Assistants to be elected annually from the “freemen” of the company; for four annual company meetings called “great, general, and solemn assemblies” (familiar later on as assemblies of the General Court); and for monthly meetings of the Governor (or Deputy Governor) with at least seven Assistants, as a Court of Magistracy. Moreover, among the very considerable powers conferred upon the company by the charter was the power to make laws and ordinances not repugnant to the laws of England; the power to admit new associates upon terms to be prescribed by the company itself; and the power “to expulse all such person and persons

¹ This was clearly the object, after the reorganization of the company in 1629 and the election of Winthrop to the governorship.—Dr. Geo. E. Ellis, *Puritan Age*, p. 50.

as should at any time attempt or enterprise detriment or annoyance to their plantation or its inhabitants."¹

And, while it evidently was not intended by the English Government in conferring the above powers to place a sword in the hands of the Puritans to be used in protecting their corporation, as a Theocracy, against spiritual assaults; and while, therefore, the argument of their apologists, that they as a Theocracy possessed the same legal rights in the way of "expulsion" as they would have possessed had they chosen to remain a business corporation, falls to the ground²; still the Puritans themselves—with just what admixture of sincerity and guile it is difficult to say—certainly

¹ Preston, *Documents Illustrative of American History*, p. 59.

² At the period treated of, colonies were looked upon, in government circles at least, as institutions essentially for pecuniary profit (Davis, *New England States*, iv., 2461). The statement therefore becomes almost a truism, that, as originally constituted, the company of Massachusetts Bay was a trading concern like the Hudson's Bay or the East India Company. The privileges granted under its charter were, as Mr. Charles Deane has well said, those "usually allowed to corporations in England" (*Proc. Mass. Hist. Soc.*, Dec., 1869, p. 174 *et seq.*). The charter, however, while framed to secure exclusive trade privileges, was not so framed as to authorize the exclusion from the company's territory of British subjects willing to respect these privileges. "All . . . the subjects of Us," the instrument recites, . . . "which shall goe to and inhabite within the saide Landes, shall have and enjoy all liberties and Immunities of free and naturall subjects within any of the Dominyons of Us," etc. No wonder Mr. Brooks Adams is moved to say in *The Emancipation of Massachusetts* (p. 59): "Her [Mass.] commercial privileges alone were exclusive, and, provided he respected them, a British subject had the same right to dwell in Massachusetts as in any of the other dominions of the Crown." It is worthy of remark that the views above set forth meet with the sanction of the English historian of New England, Mr. J. A. Doyle. He writes (*The Eng. Col. in Am.*, vol. ii., p. 91): "It would seem as though the functions of the Company were to be confined to managing the trade and the material welfare of the settlement."

did avail themselves of the strict letter of their civil constitution as sanctioning both their exclusiveness and the infliction of their favorite penalty of banishment.¹

The formal organization of Massachusetts as a Theocracy or Church-State may be said to have taken place in the month of October, 1651, when the General Court voted "to give their testimony to the book of discipline" which had been adopted by the Synod, held in Cambridge three years before. But as the Synod only put the seal of authority upon what, in the language of the General Court, "we have practiced and doe believe," it is evident that the real compacting of the Theocracy was of an earlier time. The first step (which was taken at the first session of the Massachusetts General Court, held August 23, 1630) was the following, as set forth in the court records :

"Impr., it was propounded, howe the ministers should be mayntayned. . . . It was ordered that houses be built for them at the publique charge. . . . It was propounded, what should be their maynetenance. [After specifying the quantity of meat, money, etc., it is added], all this to be att the common charge, those of Mattapan and Salem only exempted."²

¹ "They [the Puritans] had as much right and the same right [under their charter] to do what they did, as a Lodge of Free Masons, going on an excursion into the Adirondack woods, would have to say distinctly that tickets will be issued to none but members of the order, their families and invited guests."—Dr. H. M. Dexter, *The Congregationalism of the Last Three Hundred Years as Seen in its Literature*, p. 420. See also Dr. Dexter, *As to Roger Williams*, p. 18; Palfrey, *New England*, vol. i., pp. 299-300, 387; Dr. Joel Parker, *Massachusetts as Seen in its Early History* (Lowell Institute Lectures, 1869) pp. 393-394; H. C. Lodge, *Short History of the English Colonies in America*, p. 348.

² *Mass. Col. Rec.*, vol. i., p. 73.

The second step (taken May 18, 1631) was in the language of the court: "It is ordered that henceforth noe man shall be admitted to the freedome of this Commonwealth but such as are members of the churches within the limits of this jurisdiction."¹ A third step was the order of court, made March 4, 1634-35, that every inhabitant must attend church services on the Lord's Day under penalty of a fine of 5s. (equivalent to about \$5.00 now) or of imprisonment.² A fourth step was the request by the General Court in March, 1634-35, that the elders and brethren of every church within the court's jurisdiction consult together concerning "one uniform order of discipline," and "howe farr the magistrates are bound to interpose for the preservation of that uniformity and peace of the churches."³ A fifth step was the enactment in March, 1635-36, that no church should be formed without the "approbacion" of the "magistrates and of the greater parte of the churches in this jurisdiction," and further, that "noe person being a member of any church gathered without the approbacion of the magistrates and of the greater parte of the churches in this jurisdiction, shall be admitted to the freedome of this Commonwealthe."⁴ A sixth step—and one amounting to a direct reply to the query propounded by the General Court in March, 1634-35—was the advice of the ministers, given in March, 1637-38, *apropos* of the Antinomian agitation, "that in all

¹ *Mass. Co. Rec.*, vol. i., p. 87.

² *Ibid.*, pp. 142-143.

³ *Ibid.*, p. 140.

⁴ *Ibid.*, p. 168.

such heresies or errors of any church members as are manifest and dangerous to the State, the Court may proceed without tarrying for the Church."¹

The leading mind concerned in developing the Theocracy on the lines thus indicated was the Rev. John Cotton, lately rector of St. Botolph's, Boston, England, who came to Massachusetts in 1633, and whose personality and history will engage our attention as we proceed. In Cotton's opinion, "very much of an Athenian Democracy was in the mould of the government by the royal charter," and disapproving of this he suggested, in the words of Cotton Mather, "an endeavor after a Theocracy as near as might be to that which was the glory of Israel, 'the peculiar people.'" His labors to this end were highly effectual, for by his influence—and against some questioning in the matter from time to time on the part of the "deputies," or "third estate," in the General Court—it was promptly brought about that the constitution and statutes of Massachusetts consisted in the Bible, and not in the royal charter and Orders in Council²; a consummation which made the clergy, acting together,—in other words, the Puritan Church,—necessarily the dominant element in the State; for the Bible, like other legal codes (and more than most) required interpretation; and for this who so fit as the clergy?³

¹ Winthrop's *Journal*, i., 214.

² In May, 1636, Cotton prepared a Biblical Code at the request of a committee appointed by the General Court. This code, entitled "Moses his Judicials," although never formally adopted, was accepted in spirit by the court.

³ "By law the civic government [in Massachusetts] was distinct from the

But to return to the Cambridge Synod. This body was assembled in September, 1646, in response to the "desire" of the General Court. A committee on "platform" was appointed, consisting of John Cotton, Richard Mather, and Ralph Partridge,—the latter of Plymouth,—and an adjournment taken. It was not until August, 1648, that the Synod was able to reassemble for business. When it did so, a draught of a "platform" which had been prepared by Mather, and to which Cotton, but not the Plymouth delegate, subscribed, was submitted and in substance adopted. The leading theocratic pronouncement of this "platform" as adopted by the Synod is contained in the seventeenth chapter, and stands thus: The civil magistrate "ought to improve his civil authority for the observing of the duties commanded in the first, as well as for observing of the duties commanded in the second, table [of the Decalogue]"¹; he ought to exercise himself to command the performance, and chastise the neglect, of "such acts as are commanded & forbidden in the word"; he ought "to restrain and punish" idolatry, blasphemy, heresy, and the venting of opinions that destroy

ecclesiastical, but in fact it was strictly subordinate to it. Owing to their moral influence, the pastors and elders formed a sort of Council of Ephors: no important decision was arrived at without their consent. They spoke in the name of the Divine Will revealed in the Bible, and their sentence could only be appealed against by calling in question their interpretation." —Charles Borgeaud, *The Rise of Modern Democracy in Old and New England*, p. 148.

¹ The "first table" comprised the first four Commandments—those specifically referring to man's duties toward God as distinguished from man's duties toward man.

the foundations, open contempt of the Word preached, the profanation of the Sabbath, disturbance of public worship, etc.; and he should "put forth his coercive power, as the matter shall require, in case a church become schismatical, or walke incorrigibly or obstinately in any corrupt way of their own, contrary to the rule of the word."¹

Here, then, we have an absolutely authoritative statement of what the Puritan Commonwealth was from the first,—from the period 1630-1637,—by which time the Massachusetts Company had pretty effectually got rid of whatever traces of a trading organization it retained after the transfer of its charter to this side of the Atlantic; and, according to this statement, the commonwealth was a Theocracy wherein the civil magistrate (as a matter of course) was to punish "heresy" and "the venting of opinions." Unless, therefore, we are prepared to indulge the amiable but altogether idle supposition that the Puritan magistrate was inclined to shirk the performance of his duty, we may assert with great positiveness what the Massachusetts historians have as a rule been exceedingly loath to admit, namely, that not only were persons punished in early Massachusetts for offences against the civil power, but also for heresy and *opinions quæ opiniones*.²

¹ Mather, *Magnalia*, Book V., Part ii., par. 3; Dexter, *Congregationalism as Seen in its Literature*, p. 444.

² The following instance (December 1, 1640) is striking (*Mass. Col. Rec.*, vol. i., p. 312): "The jury found Hugh Buet [subsequently a resident of R. I.] to bee guilty of heresy & that his person and errors are dangerous for infection of others. It was ordered that the said Hugh Buet should bee

Indeed, upon slight reflection it will be seen that in a Theocracy or Church-State it is impossible for it to be otherwise than that opinions, as such, should form a ground of punishment. The Theocracy itself consists in opinions,—opinions about God and a future life; opinions whereon is thought to depend the only hope of human salvation from the wrath to come, but which at the same time are utterly incapable of verification, and which, if they are to stand, must be sedulously protected against the destructive force of other and contrary opinions. A secular State may be menaced by war, rebellion, and intrigue, but a Theocracy is put in deadly peril by every wind of doctrine. It consequently is the most difficult of all forms of polity to keep from falling away from the mark. Where a secular State encounters only foes of flesh and blood, a Theocracy contends against the very powers of the air. It is no wonder that a Theocracy persecutes; it is put in fear by the unseen character of that with which it fights, and, being in fear, it is at once blind and pitiless.¹

So much regarding the rise of the Massachusetts Theocracy. This Theocracy, having got itself fairly in working order, was now about to be challenged.

As early as the fifteenth century Peter Chilcicky, gone out of o^r jurisdiction by the 24th present upon paine of death, & not to returne upon paine of being hanged."

¹ The ecclesiastical state of Geneva under John Calvin may be taken as illustrative of the general proposition. "Calvin's object," says Robert Barclay (*Inner Life of the Religious Sects*, p. 17), "was to found a State resembling that of the Israelites under Moses, and the result was one of the most fearful ecclesiastical tyrannies to which mankind has been subjected."

spiritual father of the Bohemian Brethren, denied the rightfulness of any union of Church and State. Just before the outbreak of the Lutheran Reformation, in the following century, the Anabaptists¹ of Germany appeared, making the same denial. Among those calling themselves Anabaptists at this time, however, were various bands of fanatics claiming the merit of direct inspiration, and maintaining that, provided the individual were assured of the indwelling of God's Spirit, it made little or no difference about conduct. As a result, there broke forth in 1535, in the city of Münster, which had been taken possession of by the fanatics under Jan Matthys and John of Leyden, a wild reign of superstition and debauchery; an occurrence which made the name "Anabaptist" thenceforth a synonym throughout Christendom for all that was criminal and anarchistic. In 1536 the apostate monk, Menno Simons, allied himself with the Anabaptists properly so called, and took up the advocacy of their idea of religious liberty as involved in the tenet of the separation of Church and State. Menno was a Hollander, and during the years of persecution in Europe which followed upon the Münster episode many of his disciples, called Mennonites, fled to England, where they found a considerable number of other Dutch Anabaptists settled about Norwich. This Norwich settlement continued to grow until, in 1571, it contained nearly four thousand persons.²

¹ Anabaptist, from the verb *αναβαπτίζειν*, to rebaptize.

² By actual count 3925. Bloomfield's *Hist. County Norfolk*, vol. iii., pp. 282, 291.

Now in 1580, Robert Browne, a kinsman of Lord Burghley, and graduate of Corpus Christi College, Cambridge, went to Norwich and formed what is regarded by modern Congregationalists as the original church of their distinctive order. Browne entertained views upon the question of the separation of Church and State which, whether derived from the Norwich Anabaptists or not, were decidedly advanced, and these ere long he proceeded to set forth in a *Treatise*. He says: "The magistrates have no ecclesiastical authoritie at all, but onelie as anie other Christians, if so be they be Christians." "They may doe nothing concerning the church, but onelie civilie." They are to "rule the Common Wealth in all outwarde Iustice"; but "to force a submission to ecclesiastical government by Lawes & Penalties belongeth not to them."

Following upon these utterances by Browne are others of an identical tenor in 1611, attributed to John Smyth, the organizer of the first church of English Baptists. Then again in 1614 we find Leonard Busher, a citizen of London and a Baptist, issuing his *Religious Peace; or, Plea for Liberty of Conscience*; and in 1615 John Murton appears (also a Baptist) with his proof, *That no Man Ought to be Persecuted for his Religion*. Finally the significant fact comes to light, that in 1626 there were eleven Baptist churches in England, in each of which there was taught the doctrine of religious liberty.¹

It is — in a peculiar sense — as the child of this

¹ Henry C. Vedder, *A Short History of the Baptists*, p. 139.

culminating period in the growth of the spirit of Toleration in England that Roger Williams comes upon the scene. Born in London of English parents, about the year 1603,¹ he is first heard of taking sermons and speeches in shorthand² in the Star Chamber. This manifestation of parts commended him to Sir Edward Coke,—“that man of honor, wisdom, and piety,” as Williams affectionately calls him,—by whom he was placed in the then newly founded Charterhouse School. From this institution, so closely identified in the minds of persons of the present day with the names of Addison, Grote, and Thackeray, he went to Pembroke College, Cambridge, where he took his degree in 1626. Tradition has it that upon leaving college he studied law with his patron Coke, but, however that may have been, the genius of the times had entered into him, and he espoused theology. In 1629, we find him installed as chaplain to Sir William Masham of Otes, High Laver, County of Essex, and not only so, but in love with the niece of Lady Barrington, the latter an aunt to Oliver Cromwell.³ On two occasions, a “living” was

¹ The birth of Roger Williams has been fixed at various dates from 1599 to 1607. The subject is discussed by Oscar S. Straus in his *Roger Williams* (1894), pp. 7-11, and by Almond D. Hodges, Jr., in the *N. Eng. Hist. and Gen. Reg.* (1899), vol. liii., p. 60. The date as fixed by Hodges is 1604. There exists, however, among the papers of the R. I. Hist. Soc., what purports to be a copy of a letter by Roger Williams, bearing date 7 Feb., 1677-78, which begins, “I, Roger Williams,” etc., “aged about seventie-five years,” etc. According to this document, Williams was born in 1603 or 1604.

² “I knowing what short-hand could doe as well as most in England from my childhood.” *Geo. Fox Digg’d* (Narr. Club ed.), p. 131.

³ The truth that “all mankind love a lover” must justify a pause to note

offered him in the Established Church, but he declined it. At this period, moreover, he had become acquainted with Thomas Hooker and John Cotton, both destined to acquire fame across the sea, but neither of whom had as yet so far withdrawn from the Anglican fold as to discard the prayer-book; and to these friends Williams—already essaying the temper of his controversial sword—"presented his arguments from Scripture why he durst not join with them in their use of Common Prayer."

Later in his career Williams is known to have had a mastery of the Dutch language, for he has himself told us that he taught this tongue to Milton.¹ With his marked tendency towards separatism it would have been but natural that while yet in England he should to some extent have affiliated with the Anglo-Dutch Anabaptists; and if so, it was from them that in all probability he acquired his knowledge of Dutch, for certainly he had but little opportunity to acquire it in America. Then, too, as Mr. Douglas Campbell points out, some of Williams's ethico-political ideas, as expressed shortly after his arrival in Massachusetts, bore a color almost certainly imparted from Holland.² But whatever the source, his views by the year 1630 were so uncompromisingly separatist and in favor

that Williams, while unsuccessful in his suit, evidently possessed the affections of the lady. "We hope to live together in the heavens [he writes to Lady Barrington on May 2, 1629] though ye Lord have denied that union on earth."—*N. Eng. Hist. and Gen. Reg.* (1889), vol. xliii., pp. 316-320.

¹ *Narr. Club Pub.*, vol. vi., p. 262.

² *The Puritan in Holland, England, and America* (1893), vol. ii., p. 204.

of Toleration that he found England narrow, and decided to remove to the colony of Massachusetts Bay in America,—a place, where naturally enough, he expected to find liberal ideas domiciled ;— among others, the idea which had brought the Mennonites to Norwich, and which in turn had sent the Pilgrims to Amsterdam and Leyden,—the idea of Freedom of Conscience, as implied in that of the separation of Church and Magistracy, and which had been in process of reciprocal exchange between England and Holland for a hundred years.¹ Bristol was the port whence he was to sail, and setting out thither, he tells in what bitterness of spirit he “rode Windsor-way by Stoke House, where was that blessed man [his patron] whom he durst not acquaint with his conscience and his flight.”

On the 5th of February, 1631, Roger Williams, accompanied by his wife Mary,² landed in Massachusetts from the good ship *Lyon*, at the age of twenty-eight years. Here, then, at length, the principle of Toleration militant in a youthful and impetuous, yet true Sir Galahad,—a principle traceable through an ancestral line of Baptists, Brownites, Mennonites, Anabaptists, Bohemian Brethren, and mediæval doctors of the type of Peter Chilcicky,—was brought face to face with the reactionary principle of Theocracy and perse-

¹ Growth of the principle of Toleration discussed: Masson's *Milton*, vol. iii., pp. 98-129; Dexter's *As to Roger Williams*, pp. 86-87, note; Professor Diman's *Orations and Essays*, p. 127; Palfrey's *New Eng.*, vol. i., p. 414, note; Cobb's *Rise of Relig. Lib. in Am.* (1902) *passim*.

² Née Barnard, *R. I. Hist. Soc. Pub.*, n. s., vol. viii., p. 67.

cution in the persons of the magistrates and clergy of Massachusetts Bay. As has been said, Williams was young and ardent, and this fact, during the few years of his residence at the Bay, was brought to light no less distinctly than that of his knightly devotion to a great principle. Indeed, I think it may truthfully be said of him at this time, that,—while he apprehended the principle of Toleration as clearly as he ever did, being careful, according even to Winthrop, to restrict its application to cases such as did not involve “the civill peace,”—he had not as yet come under the conviction that it was to be in any special way his mission to promote this principle. He stood before the Puritan Theocracy perplexed, indignant, weapon drawn, challenging it by every instinct of his nature and at every point. It was of the old and of the darkness; he was of the new and of the light; and there could be no parley between them. His attack, therefore, was made at once and all along the line; and, like that of many another young soldier, comprehended somewhat too indiscriminately both the salient and the negligible points of the enemy.

Thus we find him, a few weeks after his arrival, not only contending that the civil magistrate ought not to inflict punishment for sins as such,—that is, for acts such as idolatry, Sabbath-breaking, blasphemy, etc., which are forbidden in the first table of the Decalogue, and which, though offences against God, are not at the same time in themselves offences against man,—a position involv-

ing the whole idea of Freedom of Conscience; but contending also, and with equal pertinacity, that the churches of Massachusetts ought publicly to abase themselves in sackcloth and ashes for having, while yet in England, partaken of the sacrament according to the English ritual. Then again we find him while in Plymouth — whither, in the summer of 1631, he had removed from Salem, his first residence — taking the broad ground, ethically sound (albeit a trifle Utopian), that the true and ultimate source of title to the lands of America was not the royal patent of some so-called Christian king, but the Indians; and, upon his return to Salem in August, 1633, insisting just as strenuously that certain regular meetings of the neighborhood clergy were highly objectionable as tending toward the establishment of a "presbytery or superintendency to the prejudice of the church's liberties."

Moreover, although in November, 1634, Williams is again heard of as reiterating his views concerning royal patents, he had in the meantime found opportunity thoroughly to stigmatize the Church of England as anti-Christian, and to measure swords with Cotton on the interesting question whether or not it was Scriptural for women to appear veiled in church. But by April, 1635, our restless champion, who (however obnoxious to Cotton's charge of being at times "a haberdasher of small questions")¹ would, like the Galahad to whom he

¹ "Never was a noble and sweet-spirited man bedeviled by a scrupulosity more trivial." "They [scruples] were to him perhaps what bric-à-brac is to a collector; what a well-arranged altar and candlesticks are to a ritualist."—Edw. Eggleston, *Beginners of a Nation* (1897), pp. 301-302.

has been compared, keep his soul undefiled, came forward with a plea for Freedom of Conscience, the validity of which is by no means universally conceded even to-day, and which in the seventeenth century was conceded by very few. This was, that an oath ought not to be administered to an unregenerate man, for the reason that the taking of an oath was an act of worship implying certain religious opinions on the part of the taker, and that if one not holding these opinions were, through fear or duress of any kind, to take the oath notwithstanding, he would virtually be coerced into "taking the name of God in vain."¹ How advanced this reasoning was may be realized from the fact that it is not every State of the American Union even now which permits a man to "swear" or "affirm" at his option²; and from the further fact that no longer ago than 1880 Mr. Charles Bradlaugh, although a member by due election of the British House of Commons, was refused his seat, and forcibly dragged from the House by ten policemen, because (as the law then stood) he was not permitted to "affirm" allegiance, and would only

¹ Williams makes clear his position on this question of oaths in his *Hiring Ministry* (1652), p. 34. He says: "Although it be lawfull (in case) for Christians to invoke the name of the Most High in swearing, yet, since it is a part of his holy worship, etc., persons may as well be forced unto any part of the worship of God as unto this." Statements by Winthrop and Edward Winslow bear out the above as a fair rendering of Williams's contention at the time the residents' and freemen's oaths were required.—Winthrop's *Journal*, i., 158, and Winslow's *Hypocrisy Unmasked* (1646), p. 66. Cotton's statement, on the contrary, leaves the position of Williams much less intelligible.—*Narr. Club Pub.*, vol. ii., p. 13.

² The exceptions would seem to be Alabama, and, more doubtfully, North Carolina.

"swear" it with the understanding that the words, "so help me God," with which the oath concluded, were unintelligible to him.

Enough has been said to show that, as declared by John Quincy Adams long since, Roger Williams was "conscientiously contentious." The next question is, Was his banishment, which was decreed by the Massachusetts General Court, on October 9, 1635, so decreed because he was politically seditious, or because he entertained and "vented" religious opinions which were abhorrent to the Puritan Theocracy?

In attempting to answer this question, it should be borne in mind that, as already pointed out, the Puritan Theocracy, like all Theocracies, was itself but an organized body of opinions, and consequently was highly sensitive to all opinions which in any way either actually came in conflict with it, or seemed likely to do so. How sensitive the Theocracy was in the face of hostile opinion—or of opinion that it thought hostile—is clearly seen in the condemnation with which the Council or Synod, held in Cambridge in 1637, *apropos* of the Antinomian controversy, visited fourscore and two "erroneous opinions"; and in the declaration of the Cambridge Platform of 1648,—the veritable written constitution of the Theocracy,—that the magistrate ought "to restrayn and punish idolatry, blasphemy, heresy, and the venting of opinions that destroy the foundations."

Now in a community organized upon such a

plan, it is evident that a conscientiously contentious man—a Roger Williams, in other words—must speedily get into difficulty. His mere opinions would bring him trouble, regardless of any civil disturbance which they might provoke. Thus, the opinion held by Williams that the civil magistrate ought not to inflict punishment for sins as such,—that is, for breaches of the first table of the Decalogue; the opinion that the churches of the Bay settlement ought publicly to make repentance for not having formally renounced all fellowship with the English churches; the opinion that the English churches were anti-Christian; the opinion that to force an oath upon an unregenerate man was wrong,—any or all of these, wholly apart from any civil bearing which they may have had, were amply sufficient to elicit from the Massachusetts of 1635 a decree of banishment, if not something worse. Nor is this surprising. Did not Governor Endicott, as early as 1629, banish John and Samuel Browne because they denounced the Puritan clergy as separatists, and claimed for themselves the privilege of continuing the use of the prayer-book?¹ And did not Governor Winthrop, no later than 1637, declare to Anne Hutchinson: "Your course is not to be suffered; . . . we see not that any should have authority to set up any other exercises besides what authority hath already set up"²?

¹ Palfrey's *New Eng.*, vol. i., pp. 298-299. "The cause of their expulsion was religious dissent,"—*Ibid.*, p. 413.

² Hutchinson's *Hist. Mass.*, vol. ii., appendix ii.

But to say that the religious opinions of Roger Williams, as such, are sufficient to account for his banishment, is not to say all. These opinions, while sufficient to account for his banishment, and while primarily they do account for it, do not, I think, account for it altogether. To do this, it is necessary to take into consideration three things additional: first, that aside from purely religious opinions, Williams entertained opinions—to him purely religious, but best characterized perhaps as ethico-political—which were obnoxious to the Massachusetts Commonwealth; second, that he was so much of a chevalier in morals, was “so enamored of perfection,” as to be reckless of the immediate consequences of his opinions; and, third, that the period of his residence in Massachusetts was one charged with peculiar peril to the State,—a period in which opinions of a political nature, particularly when so persistently urged as were those of Williams, were more than ordinarily likely to involve immediate consequences.

For example, when, in November, 1634, Williams renewed his attack upon the royal patent, asserting that it was “a national sin to hold” it, and “a national duty to renounce” it, and calling attention to a letter to the King which he had himself drawn up, humbly acknowledging the evil of “that part of the patent which respected the donation of land,” the Bay magistrates were in deep perplexity over the news, lately received from England, that an order had been issued by the Lords of Council

for the production of the patent at their board, and that it was in the King's mind to send out a General Governor for the colonies. And again, for example, when, in April, 1635, Williams was declaiming against the administration of oaths to the unregenerate, the magistrates were endeavoring by the instrumentality of a special oath to test the fidelity of the freemen and residents to the local government, with a view to resisting the intrusion of a General Governor, should one be sent. Finally, — and this seems to have been the straw to break the camel's back, — when, in July, 1635, the government of the Bay refused to honor an application of the town of Salem for a grant of land because Salem countenanced Williams, the latter directly affronted the government by causing his church to write to the other churches of Massachusetts proposing to admonish the magistrates and deputies for "a heinous sin"; a proposition, by the way, which, failing of acceptance, led its author, after a vain attempt to induce his own church to separate from the others, to separate on his individual account from all the Bay communions.

From a political point of view, therefore, — which was of necessity to a considerable extent the point of view of Massachusetts at the time, — Roger Williams was undeniably factious. He was doing all that lay in his power to thwart the government at a critical moment, and in a variety of important measures. His attitude may best be realized nowadays, perhaps, by comparing it with that of

William Lloyd Garrison two centuries later.¹ Garrison, in 1835, stood toward the government of the United States very much as did Williams in 1635 toward the government of Massachusetts Bay. Garrison, like Williams, was a man ruled by his conscience, and reckless of consequences in following it. He also, like Williams, was "in earnest, would not equivocate, would not excuse, would not retreat a single inch, and would be heard." Like Williams, too, he assailed with all his might the fundamental charter of government under which he lived, pronouncing it with true Roger Williams vehemence "a covenant with death and an agreement with hell." The Boston of 1635 banished Williams, while the Boston of a later age had to content itself with dragging Garrison through its streets with a rope round his body. Neither Williams nor Garrison, judged by the higher standards of his own age, merited the treatment which he received; but that each received the treatment which he did, cannot, in the light of average human nature, be considered surprising.²

Roger Williams, then, offended against the Puritan Theocracy both by his religious opinions and by certain of his opinions which were ethico-political; his offence upon the score of religion being primary

¹ The same parallel has, I find, suggested itself to Mr. C. F. Adams, *Mass.: Its Historians*, p. 26.

² The outburst of official and newspaper wrath against Mr. Edward Atkinson, in 1899, for mailing "seditious" anti-imperialistic literature to American soldiers in the Philippines may serve to reveal to us the present-day consequences of Roger Williams-like conduct.

and fundamental, and that upon the score of politics incidental and contributory.¹

For an understanding, however, of just what was signified in the founding of Rhode Island, it should be borne in mind that while Roger Williams, as the representative in America of the time-spirit of Toleration, in its attitude of challenge toward the reactionary spirit of persecution in the Puritan Theocracy, was banished primarily for his religious opinions, it cannot be said that he was banished primarily for holding the particular opinion that the civil magistrate should not inflict punishment for breaches of the first table of the Decalogue, that is, for matters of conscience. This appears from two considerations: the first, that Williams himself nowhere mentions his views with regard to Freedom of Conscience as a leading cause of his

¹ Beginning with John Cotton (*Narr. Club Pub.*, vol. ii., pp. 44-50) and Edward Winslow (*Hypoc. Unmasked*, pp. 65-66), and continuing with Dr. Palfrey (*Hist. of New Eng.*, vol. i., p. 414), Dr. Dexter (*As to Roger Williams*, p. 79), and H. Cabot Lodge (*Hist. Eng. Cols. in Am.*, p. 348), it has been the practice of Massachusetts writers to ascribe the banishment of Roger Williams exclusively to his political attitude. But as long ago as 1644 the subterfuge involved in this was seen and exposed by that curious collector of gossip and enemy to Toleration, the Rev. Thomas Edwards. He said: "[In New England] they found out a pretty fine distinction to deceive themselves with, and to solve the contrariety of their practice to some other principles," namely, "that the magistrate questioned and punished for . . . opinions and errors . . . not as heresies and such opinions, but as breaches of the civill peace and disturbances to the Commonwealth,—which distinction [would have enabled Parliament to deal with English dissenters], as the Magistrates in New England did with Mr. Williams and the Antinomians, . . . and yet have said, they punished not for conscience, nor because of such opinions, but because [such] opinions, ways, and practices were an occasion of much hurt to the Commonwealth, a breach of civill peace, etc." (*Antapologia*, p. 165.)

banishment,¹ but does so mention his views upon separation and his course in separating personally from all the Massachusetts churches²; and the second, that down to October 20, 1762,³ no one seems to have looked upon Freedom of Conscience as aught but one of several things involving the banishment of Williams.⁴ As Mr. William E.

¹ In his reply to Cotton ("Mr. Cotton's Letter Examined and Answered," London, 1644, *Narr. Club Pub.*, vol. i., pp. 40-41). Williams mentions Soul Liberty, though not in terms, as among the causes. He also, in August, 1651, in a letter to John Endicott, alludes to the "point of the Civil Magistrate's dealing in matters of Conscience" as "a cause of my banishment" (*Narr. Club Pub.*, vol. vi., p. 217). But in neither place does he single out Freedom of Conscience as the cause, or even a leading cause.

² It is his principles of separation to which, in the reply to Cotton, Williams ascribes his banishment. "My 'persecution,'" he says (*Narr. Club Pub.*, vol. i., pp. 370-371), "was due to my admonishing of them of such unclean walking between a particular church, which they only profess to be Christ's, and a nationall, which Mr. Cotton professeth to separate from." Cotton himself, moreover, states that Williams ascribed his banishment to his views upon separation. Finally, in the letter to which Williams made reply—a letter privately written by Cotton in 1636, before he had had any controversy with Williams, and hence entitled to special consideration—the writer assumes that separation may well have been the cause of the banishment. Consult also Winthrop (*Journal* i., 175-176), Diman (*Narr. Club Pub.*, vol. ii., p. 179), and Dexter (*As to Roger Williams*, pp. 65-79). At the same time, it should not be hastily concluded that Williams's views upon Soul Liberty were a matter of indifference to his Boston critics. It was "recounted by the Boston church as one of five specific errors" of the Salemites under Williams that they held it not to be lawful "for magistrates to punish the breaches of the First Table, unless thereby the Civill Peace of the Commonwealth be disturbed" (Morton's *Memorial*, p. 82). Consult Winthrop (*Journal* i., 162). Perhaps the best presentation of the claim that Soul Liberty was more than an incidental cause of the banishment is that made by Judge Thomas Durfee in his *Anniversary Oration on the Founding of Providence*, pp. 48-57.

³ It was at this date that Stephen Hopkins began to contribute to the *Providence Gazette* his account of the planting and growth of Providence, an account in which Soul Liberty is represented as the cause of Williams's banishment (W. E. Foster, *R. I. Hist. Coll.*, vol. vii., pp. 98-99).

⁴ John Callender, who wrote in 1738, and was Rhode Island's earliest historian, takes the position indicated in the text.

Foster, librarian of the Providence Public Library, justly remarks, "The stress which has been laid on the element of religious liberty as a pre-eminent factor in the occurrence, has perhaps resulted from regarding it too largely in the light of Roger Williams's subsequent career."¹

The decree by the General Court, as has been said, was issued on October 9, 1635.² It was a step by no means hastily or inconsiderately taken. Williams, to quote the apt words of Edward Winslow, was a man "lovely in his carriage." Moreover, he sustained toward Governor Winthrop a relation resembling that which in former days he had sustained toward Sir Edward Coke, and was regarded by Cotton himself with affection and esteem. To banish such a man was not easy or agreeable even for the stern priests of reaction who constituted the government of the Bay. They went about their task slowly, and with pauses of what in other men might be called relenting; but Williams was as uncompromising on his side as they were on theirs, and the inevitable came in due course. Six weeks was the time allotted within which the former was to remove beyond the limits of Massachusetts, but owing to an illness which he had incurred, and to the near approach of winter, permission was granted him to remain in Salem until spring. It would be interesting to know what

¹ W. E. Foster, "Early Attempts at R. I. Hist.," *R. I. Hist. Coll.*, vol. vii., pp. 99-103.

² Date is fully discussed by Professor Diman in *Narr. Club Pub.*, vol. ii., pp. 238-240, and by Dr. Dexter in *As to Roger Williams*, p. 58, note.

passed between him and his Salem adherents during the few months longer that he continued with them. There no doubt was much earnest consultation, much searching of the Scriptures:—

“Beside the goodman lay his Bible's fair
Broad open page upon the accustomed stand,
And many a message had he noted there
Of Israel wandering the wild wastes of sand;
And each assurance had he marked with care,
Made by Jehovah, of the promised land.”

Winthrop says that he drew “about twenty persons to his opinion, and that they were intended to erect a plantation about the Narragansett Bay.” Winthrop himself had privately advised his friend “to steer his course to the Narragansett Bay and Indians,” and it is but natural to suppose that some plan for establishing a settlement in that region—a region familiar to Williams by reason of two earlier visits to the Narragansetts—was broached among those in his confidence. The leader himself evidently gave the plan little encouragement, for he explicitly asserted afterwards that his object in taking refuge among the Indians was to study their language in order to be able “to do them good,” and that he had “desired to be without English company.”¹ Matters were unexpectedly brought to a crisis by news conveyed to Williams that the General Court had again met, upon information that he was carrying on the work of exhorting and proselyting in his own house, and had resolved to send him to England. This news was

¹ S. S. Rider's *Historical Tract* No. 14, p. 53.

followed by a citation, issued January 11, 1636, for him to appear forthwith before the court in Boston.

Perceiving the gravity of the situation, Williams disregarded the last order, and, having made what preparation he could, quietly left Salem, in company probably with his serving-man, Thomas Angell,¹ and in the midst of bitter cold and snow set his face resolutely toward the land of the Narragansetts. In so doing he avoided by three days a meeting with Captain John Underhill, whom the court had sent down from Boston, in a small sloop, to secure him as a prisoner. What route Williams took from Salem is not definitely known.² He had in former years, through gifts and visits, ingratiated himself both with Canonicus, Chief Sachem of the Narragansetts, and with Massasoit, Chief Sachem of the Wampanoags or Pokánokets. His acquaintance with Massasoit was peculiarly close, for he had been "great friends" with him at Plymouth; and it seems fair to presume that upon quitting Salem he betook himself as directly as possible to the home of the latter at Sowams, now Warren, R. I. This point could be reached in about four days, and was in the immediate neighborhood of the Narragansetts. An asylum among the Indians,

¹ On January 19, 1609-10. Katherine Angell, of St. Thomas Apostle, London, spinster, and daughter of William Angell, citizen and fishmonger of London, was united in marriage to John Pemberton, citizen of London and grocer. John Pemberton in turn was cousin to Roger Williams. Moreover, William Angell had, through his son James, a grandson Thomas. *N. Eng. Hist. and Gen. Reg.* (1889), vol. xliii., p. 299.

² That the journey was by land would seem clear (Diman, *Narr. Club Pub.*, vol. ii., p. 87; Dexter, *As to Roger Williams*, p. 62, note); but contra see "Guild," *Narr. Club Pub.*, vol. i., p. 32.

however, meant little in the way of comfort, as may be inferred not only from Williams's own allusion to the wigwam as a "filthy, smoky hole," but from Edward Winslow's remark, upon the occasion of a visit made by himself to Sowams soon after the landing of the Pilgrims, that he went supperless to bed, and was "worse weary of his lodging than of his journey." But whatever the route taken and experiences met with by Williams, he "was sorely tossed [as in a boat] for one fourteen weeks," knowing "neither bread nor bed"; and so outraged in soul at the cruelties visited upon him for opinion's sake, that he felt it to "lie upon Massachusetts . . . to examine with fear and trembling, before the eyes of flaming fire, the true cause of all his sorrows and sufferings."¹

The exile first established himself at Seekonk, now Rehoboth, Massachusetts, on land purchased from Massasoit. The land lay on the east bank of the Seekonk (Blackstone) River,—a stream then forming the western boundary of Plymouth Colony. Williams, therefore, was within the jurisdiction of Plymouth, and soon received from Edward Winslow (at that time governor of the latter colony) a letter stating that he "was fallen into the edge of their bounds," that "they were loth to displease the Bay," and advising him to remove "but to the

¹ Letter to Major Mason, *Narr. Club Pub.*, vol. vi., p. 333. Cotton asserts that, pending the time fixed by the court for the departure of Williams from Massachusetts, "some of his friends went to the place appointed by himself beforehand to make provision of housing and other necessities for him against his coming" (*Narr. Club Pub.*, vol. ii., p. 18). But Williams would not have spoken of himself as "tossed for one fourteen weeks" had he been able to go to a place selected and prepared for him in advance.

other side of the water," in which location he and they "should be loving neighbors together." This letter must have been received late in the spring or early in the summer of 1636, for Williams could hardly have arrived at Seekonk before May, and when the letter reached him he had already begun "to build and to plant." While still at Seekonk he was joined by at least three persons, William Harris, John Smith, and Francis Wickes. This increased the number of his company to four besides himself; and, according to the received tradition as to what took place, Williams, upon hearing from Winslow,—perhaps in the month of June,¹—set out with these four, in a canoe, to seek a suitable abiding-place to the west of the Seekonk River.

Providence (the Indian Mooshassuc) is situated at the head of Narragansett Bay, on a peninsula formed by the Seekonk and Mooshassuc Rivers, which rising,—the one in Massachusetts and the other in Rhode Island,—flow southward and empty into the bay at a distance from each other of about one mile. The canoe in which Williams and his company were embarked proceeded (according to the tradition) down the Seekonk, and, on coming

¹ There is in existence a memorandum by Benedict Arnold which reads: "We came to Providence to Dwell, the 20th of April, 1636." According to this, Providence was founded some two months earlier than the statement of Roger Williams in his letter to Major Mason (*Narr. Club Pub.*, vol. vi., p. 333) would warrant us in concluding. But an examination of the memorandum reveals the fact that it was made some fifteen or more years after 1636,—a circumstance fatal to its acceptance as authority of a higher order than the statement of Williams. The *Narr. Hist. Reg.* (vol. v., pp. 27-42), contains a collection of interesting papers from *Public Library Notes* and *Book Notes* on the Arnold memorandum.

opposite a cove in the peninsula above mentioned, was saluted by a group of Indians assembled near Slate Rock¹ with the friendly words: "Wha—cheer, Netop! Wha—cheer!" Williams thereupon made signs to the Indians that he would meet them on the eastern bank of the Mooshassuc, which he did by taking the canoe round Fox Point, and paddling up the stream in question to a point marked by a spring,² where he disembarked with his company. But, according to a version of the tradition which, between 1776 and 1785, was imparted by Stephen Hopkins to Theodore Foster (the latter of whom recorded it in the form of a "deposition," on June 6, 1821), it was not on the occasion of the removal of himself and company from Seekonk to Mooshassuc that Williams was greeted by the Indians as above described, but on an earlier occasion, that of a reconnoitring trip taken by himself with his man Angell, preparatory to the removal, and for the purpose of fixing upon a location, — a version entitled to serious consideration both from its early date and from the trustworthy character of the man who gave it currency.

It is a circumstance worthy of note that when

¹ Slate Rock now lies buried beneath the sand and débris used in constructing Roger Williams Square in Providence, — a square some 200 feet each way, bounded by Power, Williams, Roger, and Gano streets. The appearance of the rock and its surroundings, in their original condition, is indicated in a painting by Mr. George W. Whitaker, owned by the R. I. Hist. Soc.

² What probably is Roger Williams's Spring, otherwise known as Scott's Spring "is situated within the square bounded by North Main street, Church street, Canal street, and Allen's lane. It is now walled up and covered with an iron cap in the basement of the brick house, No. 242, North Main street."—*R. I. Hist. Soc. Pub.*, n. s., vol. vii., p. 135.

Williams stepped from his canoe at the spring, the only European living within the limits of what is now the commonwealth of Rhode Island was William Blackstone, an English clergyman and recluse, who, having passed several years on the shores of Massachusetts Bay, had left there on the coming of the Puritans, and removed to what is now the town of Cumberland. He was a man of intellectual tastes, and built his home — a veritable lodge in the wilderness — on a spot near the banks of the Pawtucket River, which he beautified with an orchard, and which was called by him Study Hill. His object in leaving Massachusetts was, it is said, to escape the tyranny of the Lord Brethren, as in leaving England it had been to escape the tyranny of the Lord Bishops. The object of Williams was much the same : and here at Mooshassuc he, like his eccentric neighbor, found a refuge which was to be permanent. But this refuge, in the case of the former, was destined to be more than the cell of a learned solitary. Starting with the one purpose of bringing the glad tidings to the heathen, Roger Williams was led almost immediately to enlarge this into the purpose — suggested no doubt by his doctrine of Soul Liberty, heretofore somewhat theoretically held — of founding “a shelter for a few of his distressed countrymen” ; and, ere a decade had passed, into the purpose — than which few nobler have sprung from the human heart — of holding forth “a livelie experiment, that a most flourishing civill State may stand, and best bee maintained, . . . with full liberty in religious concernments.”

CHAPTER II

THE EXPULSION OF THE ANTINOMIANS

AS has just been seen, the occupation by Roger Williams and his little company of the spot which was to become Providence Plantations was the direct result of the inability of Puritan Massachusetts,—an inability inherent in its very theocratic organization,—to brook the assertion within its jurisdiction of opinions contrary to its own.

But the future commonwealth of Rhode Island germinated at two points: the second was the island of Aquidneck,¹ or Rhode Island, in Narragansett Bay,—the very spot, for aught that is known, where, in the year 1000 of our era, Tyrker, the foster-father of Leif the Norseman, became crazed at sight of the wondrous grapes of Vinland; and it will now be necessary to relate the events which led to the settlement of this spot,—events of the same general character as those which led to the banishment of Williams, but more replete in their unfolding with the element of the dramatic.

¹ The name Aquidneck (Aquidnick, Aquednet) signifies *to, on, or at, the island*. Thus, in Acts xxvii., 16, Eliot wrote, "Abquednet bettamun Claudia,"—"an island called Claudia." The diminutive, Aquidnesick or Aquedeneset, signifies "the little island in the mouth of the bay."—Note by Trumbull to Lechford's *Plaine Dealing*, p. 93.

Indeed, the mere list of the *dramatis personæ* for this second act in the history of both Massachusetts and Rhode Island,—an act embracing the whole of the year 1637,—excites our interest even before the curtain rises upon the performers in their respective *rôles*. First, there is Mistress Anne Hutchinson, who, in company with her husband, William Hutchinson, came to Massachusetts in 1634. She was born about the year 1600, and after her marriage lived at Alford, Lincolnshire, England, near Boston, where her husband owned an estate. While at Alford she was used to attend upon the ministrations of the Rev. John Cotton, then rector of St. Botolph's, Boston, and conceived so high an opinion of this clergyman's gifts of grace and powers of discourse that, upon his leaving for America, she and her husband resolved to follow him. She is said, upon trustworthy authority, to have been a cousin of John Dryden.¹ Be that as it may, she was a woman of unusual force of mind; and though slight of frame and not comely, was possessed of a magnetism of personality that was by no means inconsiderable. Winthrop, in words often quoted, has described her as "of a haughty and fierce carriage, of a nimble wit and active spirit, and a very voluble tongue,"—in short, as an American Jezebel; and (*per contra*) her husband as "a

¹ The mother of Anne Hutchinson was a sister of Sir Erasmus Dryden, Bart., who was the grandfather of John Dryden. This would make Anne a second cousin of the poet. Her father, it may be of interest to note, was the Rev. Francis Marbury, a distinguished clergyman of the Established Church, at first rector in Lincolnshire, but later of the London parishes, St. Martin's Vintry, St. Pancras's, and St. Margaret's, New Fish Street.—*N. Eng. Hist. and Gen. Reg.*, vol. xx., pp. 355-367.

man of mild temper, weak parts, and wholly guided by his wife." The Rev. Thomas Welde, a typical Puritan ecclesiastic, alludes to Mistress Hutchinson, in his Preface to the *Short Story of the Antinomians*, as "insolent and high-flowne in spirit and speech"; while the historian Hubbard dubs her "a she-Gamaliel," and Cotton Mather (anagrammatically), "a Non[e]-Such." We know, however, and that upon the testimony of both Winthrop and Cotton, that she was kind of heart, blameless in life, and more than ordinarily ready and skillful in waiting upon the afflicted of her own sex,—in a word, that she was a gentlewoman.

But, according to John Winthrop, she brought with her from England "two dangerous errors: first, that the person of the Holy Ghost dwells in a justified person; second, that no sanctification can help to evidence to us our justification."¹ The first of these so-called "errors" is expressed by Winthrop in terms sufficiently comprehensible to the modern mind; in fact, it is what is taught in most or all modern evangelical religious societies. The second "error," however, is not so easily understood from Winthrop's statement. In substance, it is that human sanctification, which is the fruit of a scrupulous regard for, and observance of, fasts, vigils, new moons, and Sabbaths, that is to say, which is the fruit of human "works," is not (since Adam broke his covenant with his Maker, which was a covenant essentially of works) the thing which God requires of man in order to insure his

¹ *Journal*, i., 200.

salvation. What God now requires is justification, and justification differs from sanctification in that it is not of "works," but of "grace" through faith. Does not the Apostle Paul say, "By the works of the law shall no flesh be justified"? But "grace" consists in the indwelling in a human being of the Holy Ghost: consequently, according to Mistress Hutchinson, those who were not conscious of the presence of the Holy Ghost within themselves; those who,—like all of the Puritan clergy of Massachusetts, John Cotton only excepted,—depended for salvation upon their "works," their rigorous observance of the behests of the Mosaic Code, their anise, and their cummin, were doomed. In the terse words of Mr. Charles Francis Adams, "Hell yawned for such."¹

That a woman harboring ideas of this sort,—particularly when "of a nimble wit" and "very voluble tongue,"—should stir the Puritan Theocracy to its foundations was but natural; and that she verily did make a stir we soon shall have occasion to see.

Next in prominence to Mistress Hutchinson among our *personæ* is John Wheelwright, the "silenced" vicar of Bilsby. He was a native of one of the hamlets of Alford in the Lincolnshire fens, took his degree at Cambridge in 1618, is known to have been highly esteemed by Oliver Cromwell, and, having married as his second wife

¹ Dr. George E. Ellis's *Puritan Age*, pp. 300-304, and Mr. C. F. Adams's *Three Episodes of Massachusetts History*, pp. 402-406, contain a full discussion of the theology of the Antinomians.

the sister of Anne Hutchinson, set sail for America, landing at Boston in June, 1636, at the age of forty-four years. Wheelwright, like Roger Williams, had a "rockie" steadfastness in his convictions, but he had none of Williams's sweetness of spirit or graciousness of demeanor. He was downright in every respect. Not long after his arrival, the suggestion was made by some one,—not improbably by Mistress Hutchinson, his sister-in-law,—that he be placed at Cotton's side as assistant teacher in the Boston Church. This was distasteful to John Wilson, the pastor of the church, and was opposed by Winthrop. In the end, Wheelwright, upon petition of the residents of Mount Wollaston (now the town of Quincy), was made pastor of a church for that neighborhood. But even this was not accomplished without protest, for the new-comer was suspected of being tinctured with the opinions of Anne Hutchinson.

Thus far in our list the *personæ* have been of the English middle class, sturdy and independent, but necessarily somewhat sombre of aspect. Against these there is now to be set, in relief, a dash of color, a cavalier figure,—young Sir Henry Vane. Vane was the son of a Privy Councillor, handsome in person, of excellent parts, and winning in his address. He came to Massachusetts contrary to the wish of his father, but under a three-years' leave of absence obtained directly from the King. When he landed at Boston in October, 1635, he was not far from the age of Roger Williams at the time of his landing; that is to say, he was twenty-four years

old; and, what is more, the two men, both in outward bearing and inner graces, were akin. The *Zeitgeist*, or time-spirit, had entered into them alike, consecrating them—each in his own sphere—to high and important service. Vane's arrival followed close upon the promulgation of Williams's banishment, and preceded the flight of the latter into the wilderness by scarcely three months; yet in this interval the two became fast friends,—an occurrence fraught with deep consequences for Rhode Island, and through Rhode Island for human freedom. But we are anticipating. As yet, Vane was but the popular young patrician,—the idol of Boston.

Mistress Hutchinson, John Wheelwright, and young Sir Henry Vane are the leading figures in the little drama soon to open before us, but there are other and accessory figures hardly less interesting. There are, to begin with, the pastor and the teacher of the Boston Church,—carnal John Wilson,¹ and intellectual (albeit somewhat casuistical²) John Cotton; the latter a sort of New England Melancthon, prone in troublous times to be a trimmer, and preaching (according to an old account) "that publicly one year that the next year he publicly repents of." Then there is narrowly ecclesiastical Thomas Welde, pastor at Roxbury, and coarse-fibred, loud-voiced Hugh Peters,—Roger Williams's contratype successor at Salem,—who

¹ Wilson in later years openly mocked at the Quaker victims of the Theocracy on their way to the scaffold.—Bishop's *New England Judged*, p. 124.

² "Being a most excellent casuist."—Mather's *Magnalia*, bk. iii., ch. i., par. 28.

later, according to John Eliot, "beat the pulpit drum for Cromwell." There are also fierce, bigoted, yet somehow always picturesque, John Endicott, Thomas Dudley, rigorous and suspicious, in whose pocket after death was discovered the familiar bit of doggerel aimed at such as "do a toleration hatch,"¹ and,—not a little out of place as head of an inquisitorial commission,—high-minded John Winthrop, Governor of Massachusetts. Even these are not all, for as yet no notice has been taken of William Coddington and John Clarke, who, with John Coggeshall and William Aspinwall, were the principal founders of the settlement on Aquidneck.

Coddington was born in the English Boston in 1601, and was evidently, while still in his native land, a man of substance and position; for he was made by the Crown one of the original Assistants, or magistrates, under the charter creating the corporation of Massachusetts Bay. He came over in 1630, built (it is said) the first brick dwelling-house in Boston, was afterwards elected treasurer of the corporation, and in 1634 became owner, along with Edmund Quincy, of the bay front at Mount Wollaston. The Mount is the spot where

¹ "Farewell, dear wife, children and friends,
Hate heresie — make blessed ends.

Let men of God, in courts and churches, watch
O'er such as do a toleration hatch,
Lest that ill egg bring forth a cockatrice
To poison all with heresie and vice.
If men be left, and otherwise combine,
My epitaph 's, I dy'd no Libertine."

Magnalia, bk. ii., ch. v., par. i.

Wheelwright officiated as pastor in 1637, but it has ever been more celebrated as the Merry Mount of Thomas Morton (sometime "pettiefogger of Furnevell's Inne"), who was wont to hold there, with certain boon companions, bacchanalian revels round a May-pole, till such time as, the Puritans arriving, Morton was made prisoner, and his Comus crew dispersed. As regards John Clarke, physician, born October 8, 1609, in Bedfordshire, England, — man of education and marked ability, the Franklin of Rhode Island in the delicate inter-colonial diplomacy of later years, — he comes into our dramatic list as a keen critic of the performance rather than in any other way; for, landing in Boston in the crisis of the scenes about to be described, he, in deep disgust at once arranged to seek a home elsewhere. And as regards Coggeshall and Aspinwall, they concern us now merely as deputies from Boston to the Massachusetts General Court.

The initial scene of our drama shows Mistress Hutchinson in her own house in Boston, — a plain enough structure of hewn wood, standing on what is now the site of the "old corner bookstore" at the junction of Washington and School Streets. She is seated in her "parlor-kitchen" (the one room below stairs), amid a company of the goodwives of the neighborhood, and is expounding to them a late sermon by John Cotton. This is not one of the first meetings of the kind over which Anne Hutchinson has presided, for she exhibits no signs

of timidity. She feels confidence in herself, and elucidates the Rev. Cotton with earnestness and power. As she goes on, her manner becomes more and more animated, her countenance glows with religious fervor, and she falls naturally into gesture. She feels herself to be instinct with the presence and the power of the Holy Ghost; and while in this state of exaltation does not hesitate, — at the same time that she commends Master Cotton as having the “seale of the spirit,” — to stigmatize the whole body of the Puritan clergy besides (an implied exception, of course, being made in the case of Wheelwright), as a “company of legall professors” who “lie poring on the law which Christ hath abolished.”¹

An assemblage of women for any purpose other than perhaps a “spinning” was sufficiently rare in the Boston of 1636; and an assemblage for purposes directly exegetical of sermons and of the Scriptures was an event of the first magnitude. It was woman both in the pulpit and in politics, and as such had about it just that savor of naughtiness which delights the sex. To attend Mistress Hutchinson’s *conversazioni* (“gossipings,” old Cotton Mather most ungallantly calls them) became, therefore, speedily the fashion for all female Boston. Nor was the attendance wholly for entertainment. The Puritan, both male and female, was intensely concerned for his soul’s salvation; and if what was enjoined upon him every Lord’s Day at

¹ Johnson’s *Wonder-Working Providence* (Poole’s ed.), p. 102, quoted by Brooks Adams, *The Emancipation of Massachusetts*, p. 49.

meeting, and every Thursday at lecture, by the Rev. John Wilson was naught but idle observance under a worn-out covenant, he wanted to know the fact in time to make what new dispositions might be necessary in order to lay hold upon immortality. The Hutchinson school of exegesis,—or rather, as Mr. Charles Francis Adams happily terms it, the Hutchinson *viva voce* weekly religious review,—thus became, as may readily be seen, of serious consequence for the Rev. Wilson, and indeed for the entire body of conservatives or believers in a covenant of works. In brief, the very substructure of the Theocracy was being disintegrated by it, and there was need that something be done.

What was done was, first, to fasten upon the Hutchinson party the name Antinomian,—a name coined by Martin Luther against John Agricola and his disciples, and signifying “above and adverse to the law or Mosaic Code”; and, second, to rally the clergy outside Boston, whither the influence of Anne Hutchinson had not penetrated, to the support of the embarrassed Wilson. Meanwhile, Vane, the young Boston favorite, who had been bowed deferentially into the governorship within a year after landing, threw in his lot with the Hutchinson party; while the cautious Winthrop took his natural place at the head of the conservatives or legalists. As for evasive John Cotton, he hesitated in perplexity between the rival factions, an Antinomian at heart, but not convinced that that way flowed “the stream of outward credit and profit.”¹

¹ For a full discussion of Cotton's Antinomian attitude, consult Professor

The second scene in our drama is enacted in the Boston Meeting-house. The occasion is the solemn fast of January 29, 1637. Massachusetts, by order of the government, has entered upon this fast because of the "miserable estate of the churches in Germany," in England, and nearer home. It is sharp weather, and the bare-walled, bare-floored, and unwarmed interior is eminently appropriate to a fast, as indeed it would be to a vigil, or a flagellation, or any other form of human penance. It is afternoon and the second service of the day is about to be held. The worshipers,—men in jack-boots, many-caped coats, some carrying muffs; and women well-mittened and hooded, and armed with foot-warmers,—file in and take their places on hard wooden benches without backs. The congregation having got itself seated with due regard to sex and social rank, the elders and deacons enter pews which face the congregation. The magistrates, including Vane, the Governor, seat themselves in a place specially set apart. John Cotton, in hood, greatcoat, and gloves, mounts the stairs into the high, pagoda-like pulpit, and the services begin. During the dictation of the psalm by the ruling elder, it is noticed that John Wheelwright is among the worshipers. He is here probably by the connivance of Mistress Hutchinson, and, as is customary in the case of visiting clergymen, is asked at a convenient stage of the proceedings to 'exer-

Diman's note to Cotton's answer to Williams (*Narr. Club Pub.*, vol. ii., pp. 81-83.) Cotton's own statement may be found in his *The Way of Congregational Churches Cleared*, Prince Soc. Pub., vol. xxi., pp. 357-362.

cise,"—that is, to address the meeting. He is prepared, and proceeds to make a fierce rhetorical onslaught upon all "those under a covenant of works." He denounces them roundly as Philistines who "fill the fountains open for the inhabitants of Judah with the earth of their own inventions." He compares "the true believers," "the servants of the Lord,"—in other words, the followers of Anne Hutchinson,—to "threshing instruments with teeth" that "must beat the hills as chaff." He calls upon them to "show themselves courageous," to "have their [spiritual] swords ready," and "to fight."¹

This rhodomontade of Wheelwright's, afterwards so celebrated as the Fast-day Sermon, although at the time delivered productive of no commotion, in reality sealed the fate not only of Wheelwright himself but of Anne Hutchinson and the whole Antinomian party. It was tangible matter upon which the Theocracy could take action, and action—none the less effectual that it was deliberate—was taken accordingly. In March, Wheelwright was summoned before the General Court; a majority of the Boston Church, under the leadership of Coddington and Aspinwall, and with the sympathy of Vane, protested; the protest was put aside as presumptuous, and, after a long and spirited debate between Vane and Winthrop, Wheelwright by a close vote was found guilty of "contempt and sedition." Sentence, however, was deferred by the court until its next session. In May the annual general election came on, and Winthrop was chosen Governor over

¹ Bell's *Wheelwright*, 13, 15; notes 21, 25.

young Sir Henry. The Theocracy had at length become thoroughly roused to a sense of peril. The set of opinions wherein it consisted had been squarely met by an opposite set of opinions, and no easy ideas of Toleration, no glamour surrounding a young patrician, no legal caviling about sedition that was "constructive" and not real, no scruples of mercy or of pity, were now to be considered. There had been too much of these already. Was not the covenant of works,—that is, Puritanism,—challenged to the death by the covenant of grace,—that is, by Antinomianism and Anabaptism, by the doctrine of the inward light, by the very spirit of Roger Williams now in exile? And was it not Heaven or Hell that hung poised upon the issue? To these questions no answer was required; nor is it to be wondered at if, amid the excitement prevailing, "some" (to employ the circum-spect phrase of Winthrop) "laid hands on others."

Events now pressed to the *dénouement*. At the election which resulted in the defeat of Vane for Governor, Coddington was defeated for the magistracy. He was thereupon taken up by Boston and returned to the General Court as one of the town deputies along with Coggeshall and Aspinwall. Wheelwright still continued to preach at the Mount, and Mistress Hutchinson to elucidate at her *conversazioni*. The former, when admonished, boldly declared that if really guilty of sedition he deserved death; but that upon the question of his guilt he proposed to try the effect of an appeal to the King. In taking this stand there can be little

doubt that present to his thought were the words of Paul the Apostle: "For if I be an offender, or have committed anything worthy of death, I refuse not to die; but if there be none of these things whereof these accuse me, no man may deliver me unto them. I appeal unto Cæsar." Meanwhile, in May the court had passed an alien law,—a law forbidding the presence of strangers in the commonwealth for a longer period than three weeks, without the permission of a magistrate. This was devised to meet the case of a shipload of immigrants from Wheelwright's old home, who were expected shortly to arrive, and who would dangerously swell the ranks of the Antinomians. The alien law profoundly disgusted Vane, already piqued by the loss of the governorship, and in August, —after some youthful exhibition of petulance toward Winthrop, —he set sail for England never to return.

In September the first Cambridge Synod was held. This body, after—in the picturesque language of Mather—"smiting under the fifth rib the hydra of error," in the form of the eighty-two erroneous and unsafe opinions alluded to in our first chapter, resolved, *apropos* of Mistress Hutchinson,

"that though women might meet (some few together) to pray and edify one another, yet (that) such a set assembly (as was then in practice at Boston), where sixty or more did meet every week, and one woman (in a prophetic way by resolving questions of doctrine and expounding Scripture) took upon her the whole exercise, was . . . disorderly and without rule."

So much having been accomplished, and having

achieved the further point of causing John Cotton to "see light" and pass over to the majority,¹ whereby, according to Mather, he "recovered all his former splendor among the other stars," the Synod adjourned. The departure of Vane and the desertion of Cotton left Wheelwright defenceless to his enemies. The General Court met on November 12th, and, having arbitrarily unseated Coggeshall and Aspinwall, promulgated the decree, that "Mr. John Wheelwright being formally convicted of contempt and sedition, and now justifying himself and his former practice, being to the disturbance of the civil peace, he is by the Court disfranchised and banished." From this decree the court refused to allow any appeal, and within fourteen days John Wheelwright had gone forth into the snows to found what is now the town of Exeter, New Hampshire.

The third and culminating scene in our drama discloses a session of the Massachusetts General Court. The time is November, 1637, a few days only after the sentencing of Wheelwright. The place is the meeting-house in New Town (now Cambridge), a structure more primitive and drearier even than the sacred edifice in Boston. As is befitting the closing scene in a drama, well-nigh all the *dramatis personæ*, including supernumera-

¹ The process would seem to have been protracted. Mather says: "There were five questions offered unto the great man, unto which questions he gave answers; and unto those answers the synod gave replies; and unto those replies he gave returns; and unto those returns the synod gave rejoinders; till their collissions fetch'd I know not whether more light, or love unto one another."—*Magnalia*, bk. vii., ch. iii., par. 5.

ries, are upon the stage. The court consists of some forty members, divisible into the three orders of magistrates, clergy, and deputies. Among the magistrates we readily discover Winthrop, the Governor and president of the court, Dudley, the Deputy Governor, and Endicott, grim-visaged in skull-cap and pointed beard. Coddington, no longer a magistrate, sits with the deputies; while Coggeshall, no longer even a deputy, sits where he may. The clergy, of course, are largely represented. We catch glimpses of Wilson, of Cotton, of Welde, and of Peters. Wherever there is space not occupied by the court, it is crowded with spectators. The gathering is notable; it comprises the best bigotry and brain of Massachusetts, and, in physiognomy and grouping alike, is Rembrandtesque. In the midst of all stands Anne Hutchinson,—slender, pale, about to become a mother,—on trial for her opinions. She is treated with scant courtesy; no seat—not even a stool—is placed at her disposal until she gives signs of fainting. The proceedings are strictly inquisitorial. Winthrop, the president of the court, is also prosecuting attorney. The culprit (unprovided with counsel¹) manages her case alone. She

¹ "Even in England, under Elizabeth and the Stuarts, persons accused of felony were not only denied counsel, but they were not even allowed to produce any testimony at all in their behalf, except their own statements. . . . After their witnesses were finally admitted it was not until the reign of Queen Anne that they were examined under oath; . . . and it was not until more than a century later that the accused were allowed to compel the attendance of their witnesses, . . . or permitted to have the aid of counsel on their trial."—Douglas Campbell, *The Puritan in Holland, England, and America*, vol. ii., p. 447.

VOL. I.—4.

has in attendance a few witnesses, but when Coggeshall, the first, is browbeaten into silence by Hugh Peters, no others are called.

As for specific charges to be proved, there seem literally to be none. Mistress Hutchinson's real offence is that she has praised John Cotton and his doctrine of "grace," and disparaged John Wilson and his doctrine of "works"; in other words, that she has flung in the face of the Theocracy or Church-State of the Puritans dissentient religious opinions,—something which no Theocracy can endure. But it will hardly do for the court to state the matter thus. Winthrop, however (forgetting himself), substantially does so state it when he says: "Your course is not to be suffered; . . . we see not that any should have authority to set up any other exercises besides what authority hath already set up."¹ And she, on her part, voices what is substantially the answer of all time to this declaration,—whether the latter proceed from Pope, Anglican Archbishop, or Puritan Theocrat,—when she says: "Sir, I do not believe that to be so." The court makes repeated efforts to draw from the culprit something that will pass muster, at least among Theocrats, as civilly implicating; but each time is checkmated and thrown into confusion by the replies given. The cause of the prosecution begins to look dark. The spectators stir uneasily, while apprehension fast deepening into anger makes itself seen in the faces of the clergy, and no less in the faces of Dudley and

¹ Hutchinson's *Massachusetts*, vol. ii., appendix ii.

Endicott. But just at this point (through what Winthrop devoutly calls "a marvellous providence of God") the prosecution is rescued from its embarrassment by the culprit herself.

Anne Hutchinson is by no means a Joan of Arc. She is not nearly so picturesque: she has led no armies to battle; has crowned no king; has neither seen Michael the archangel, nor been instructed by the voice of St. Catherine or St. Margaret. But for all that she has heard a voice: it is the voice of the Holy Ghost in her soul, and it has spoken to her very much as did the voices of the saints to the Maid of Orleans. What it said she now proceeds to make known to her inquisitors:

"I am in the hands of the eternal Jehovah. I am at his appointment for the bounds of my habitation are cast in Heaven. I fear none but the Great Jehovah, who hath foretold me these things, and I do verily believe that he will deliver me out of your hands. Therefore take heed how you proceed against me, for I know that for this you go about to do to me, God will ruin you, and your posterity, and this whole State."

"How do you know," asks one of the magistrates, in almost the exact words of Beaupère questioning Joan of Arc, "that it was God that did reveal these things to you, and not Satan?"

"How did Abraham know," comes the answer, "that it was God that bid him offer his son?"

"By an immediate voice!" exclaims Dudley in triumph; and hereupon there ensues between the magistrates and clergy a veritable tumult of congratulation. The enthusiast before them, by

admitting that she receives revelations, has convicted herself of Anabaptism, and — like a Münster fanatic — of being a foe to civil society, — in other words, has civilly implicated herself. "God hath made her to lay open herself and the ground of all these [Antinomian] disturbances to be by revelations, . . . and this hath been the ground of all these tumults and troubles," remarks Winthrop.

"The disturbances that have come among the Germans have been all grounded upon revelations," observes Dudley, "and [continuing] they that have vented them have stirred up their hearers to take up arms against their prince, and to cut the throats of one another. And [suspiciously] whether the devil may inspire the same into their hearts here, I know not."

It is with difficulty that one masters the wish that Roger Williams might have been present at this farce and have held a brief in behalf of the frail culprit. But although he is not here, although at this very time he is painfully hewing out a habitation for himself in the wilderness, something of his spirit is here, and of the spirit of the commonwealth which he is founding. William Coddington, who thus far has maintained almost unbroken silence, now rises, and, disregarding a rebuke by Winthrop, says :

"I do not for my part see any equity in all your proceedings. Here is no law of God that she [Anne Hutchinson] hath broken, nor any law of the country that she hath broken. Therefore she deserves no censure. And if she says that the Elders preach as the Apostles did [before the ascension] why

they preached a covenant of grace, and what wrong is that to them [the Elders]? . . . therefore, I pray, consider what you do, for here is no law of God or man broken."¹

These words, brave though they be, are, of course, entirely without avail; and the court, now fairly beside itself with fanaticism, votes with but two dissenting voices (Coddington's and that of another Boston deputy) that "the wife of Mr. William Hutchinson, being convented for traducing the ministers and their ministry in this country, she delivered voluntarily her revelations for her ground, and that she should be delivered, and the Court ruined with their posterity, and thereupon was banished."

Now the whole point of the foregoing piece of dramatic incident consists,—at least for the purposes of Rhode Island history,—in the thorough demonstration which it affords that John Wheelwright, Anne Hutchinson, and the Antinomians in general, suffered at the hands of the Puritans because of their opinions upon religion. In the case of Wheelwright, it is true, the decree recites that the culprit was guilty of sedition; but how largely *pro forma* this recital was, appears from the contemporary observation of Winthrop that Wheelwright "was not suspected of any such purpose otherwise than by consequent"; that is, otherwise than as "his reading and experience might have told him how dangerous it is to heat people's affections."² And in the case of Anne Hutchinson, it is seen to

¹ Hutchinson's *Massachusetts*, vol. ii., appendix ii.

² *The Short Story of the Antinomians*, (Prince Soc. ed.) p. 53.

have been even more difficult for the court to find a basis civilly for their action. In order to do so at all, they were compelled to magnify an idle revelation,—a revelation so idle that, as Coddington plainly intimated, it was seized upon by the court only as a flimsy pretext and a last resort,—into a menace to the public peace.

But in this year 1637, when Puritan Massachusetts was thus ruthlessly practising persecution against dissenters, what was the growing attitude of that part of the world with which Massachusetts was most closely allied toward the principle of religious Toleration? What was the growing attitude of England; and what had long been the attitude of Holland? To this question an answer would hardly seem to be required. It has already been seen that Holland was the very nursery of Toleration. And as for England, was not Toleration at this precise moment putting Laud and Strafford to their utmost to cope with it?¹ Had it not bred up Roger Williams and Sir Henry Vane? and was it not on the point of introducing to mankind champions still more redoubtable in John Milton and Oliver Cromwell? It would appear then, I take it, that Massachusetts in confirming itself (by the practice of systematic persecution) as a Theocracy at this period was assuming a position

¹ "There have been more books writ, sermons preached, words spoken, besides plottings and actings for a Toleration, within these four last years, than for all other things; every day now brings forth Books for a Toleration."—Edwards's *Gangrena* (1646), p. 59; Lecky's *History of Rationalism*, pp. 75–86.

squarely antagonistic to the time-spirit; was becoming already at birth an anachronism.¹

¹ As early as 1643, the Scotch Presbyterian, Robert Baillie — himself a hater of heretics — wrote (*Letters*, vol. i., pp. 17, 18): "Only they in New England are more strict and rigid than we or any church to suppress by the power of the magistrate all who are not of their way, to banishment ordinarily and presently even to death lately or perpetual slavery." [The case of Samuel Gorton.] Again, in 1652, Sir Richard Saltonstall — one of the original Bay magistrates — wrote to John Cotton (*Hutchinson Coll.*, pp. 401-407): "It doth not a little grieve my spirit to hear what sad things are reported daily of your tyranny and persecutions in New England, as that you fine whip and imprison men for their consciences." [The case of Clarke, Crandall, and Holmes.] Then again, in 1669, "Dr. Goodwyne, Dr. Owen, Mr. Nye, Mr. Caryl, and nine other very reverend Puritan ministers in England" wrote to the Governor of Massachusetts, saying, among other things: "We only make it our hearty request to you that you would trust God with his truths and ways so far as to suspend all rigorous proceedings in corporal restraints as punishments on persons that dissent from you and practice the principle of their dissent without danger or disturbance to the civil peace of the place" (Mather's *Magnalia*, bk. vii., ch. iv., par. 4). Moreover, a significant hint as to the patent reactionaryism of Massachusetts at this period is furnished by the title-page to John Clarke's *Ill News from New England* (London, 1652): "wherein is declared that while Old England is becoming new, New England is becoming old."

Mr. Douglas Campbell, in his book, *The Puritan in Holland, England, and America*, maintains (vol. ii., p. 206) that the Massachusetts Puritan persecuted, not because he was a Puritan and Theocrat, but because he was an Englishman. He says at page 415 of the volume named: "The Puritans of Massachusetts with all their shortcomings were far in advance of the High Churchmen at home in their treatment of witches, Baptists, and Quakers." And again: "The severe Puritanical laws of Massachusetts were in some features mildness itself compared with those enacted at an earlier period for the government of Virginia." He then cites Dale's Code for Virginia, under which absence from church on Sunday, without a good excuse, was a capital offence, etc.

It may freely be conceded to Mr. Campbell that the penalties prescribed by the Puritans may be paralleled, and even exceeded, in the penalties at times inflicted by secular States; but it should be remembered that the gist of the charge against the Puritans is not that they were cruel (although cruel they were), but that, being organized as a Theocracy, they stood committed to the doctrine and practice that mere sins (including opinions), — that is, sins in themselves, apart from their effect upon society, — are to be punished by society. In other words, what should be remembered is, that

And what is more, in all this the new commonwealth was wholly at odds with the logic even of its own existence,—with its own *raison d'être*. A philosopher of the year 1637, unacquainted with actual Massachusetts, would confidently have said:

"If Toleration is what is sought, look for it in the Bay State. There is a commonwealth erected in a new world and upon virgin soil; free from the entanglements of ecclesiasticism, and free in particular from the incubus of persecution; for it was to escape both ecclesiasticism and persecution that its Puritan founders quitted their native land."¹

And undoubtedly this was the reasoning of many of those who came to Massachusetts between the years 1630 and 1640. It was the reasoning of

while odium may, and frequently does, attach to a secular State because of acts of outrage upon individual right and conscience, it attaches to a Theocracy necessarily and always, because outrage upon individual right and conscience is implied in a Theocracy's very existence.

¹ The original Massachusetts Puritans were highly sensitive to the charge of persecution, showing that they felt the inconsistency of their course. Thus Cotton and Edward Winslow tried hard to prove, the former that Roger Williams did not suffer particularly in being banished, banishment being merely "enlargement"; and the latter, that if he did suffer, it was solely for political offences (*Narragansett Club Pub.*, vol. ii., p. 19; *Hypocrisy Unmasked*, p. 65). Moreover, the good Winthrop was careful to explain that Wheelwright and Coggeshall and Anne Hutchinson all were dealt with for political and not religious crimes (*Short Story of the Antinomians*, Prince Society ed., pp. 150, 165). And even the illiberal Thomas Welde was moved to say: The magistrates were "driven with sad hearts to give them [the Antinomians] up to Satan" and did not do so "simply for their opinions (for which I find we have been slanderously traduced), but the chiefest cause of their censure was their miscarriages persisted in with great obstinacy" (Preface to the *Short Story*, p. 92). The later Puritans—those of the witchcraft period more especially—were not so mindful of persecutions recently endured, and hence were not so sensitive to accusation. See *Election Sermon* of the Rev. Urian Oakes, President of Harvard College, delivered in 1673, and *Brief Animadversions* by the Rev. Samuel Willard, 1681, both quoted by C. F. Adams, *Massachusetts: Its Historians*.

Roger Williams, of Sir Henry Vane,¹ and of John Clarke²; and had it not been for his exaggerated reverence for the clergy³ it might also have been the reasoning of John Winthrop. These men, therefore,—Williams, Vane, Clarke; also perhaps Coddington; and, in an indirect, unwitting sort of way, persons such as Wheelwright and Anne Hutchinson,—were the representatives and instruments of the time-spirit — of the spirit of Toleration — in America in 1637. Their expulsion from Massachusetts meant simply that this spirit, not finding a welcome in the Puritan Commonwealth (the place where of all others, logically, a welcome should have been found), must domesticate itself elsewhere. It meant the unqualified surrender of Massachusetts to the Theocracy, and hence its relegation in the march of events to "the rear and the slaves"; but, more than anything else, it meant the rise of a new State embodying the time-spirit and broadening it; a State by its very existence more a menace to the Puritan Theocracy than ever were Roger Williams and the Antinomians before

¹ "Both spiritual power and civil, what each means,
What severs each, thou hast learned."

Milton's *Sonnet to Vane*.

² "I thought it not strange to see men differ about matters of Heaven, for I expect no less upon Earth: but to see that they were not able so to bear each with other in their different understandings and consciences, as in those utmost parts of the world to live peaceably together, whereupon I moved the latter, forasmuch as the land was before us and wide enough, with the proffer of Abraham to Lot, and for peace sake, to turn aside to the right hand, or to the left."—*Ill News from New England* (Massachusetts Historical Collection, 4th ser., vol. ii., pp. 23, 24).

³ "I honored a faithful minister in my heart, and could have kissed his feet."—*Life and Letters of Winthrop*, vol. i., p. 61.

their banishment; a State which, though sprung from the Theocracy as from the loins of a parent, was its child only by reaction, and which one day confronting it—like Œdipus confronting Laius—might destroy it in the way.

Among the final acts of the General Court of Massachusetts with respect to the Antinomian agitation, there were three which had a direct bearing upon the selection of Aquidneck as the second point of germination for Rhode Island. These acts were: first, the banishment, early in November, 1637, of William Aspinwall, as the reputed author of the Boston remonstrance against the punishment of Wheelwright; second, the decree of November 15, 1637, requiring certain of the Antinomians, including the estimable John Clarke, to surrender their arms, as persons liable through the seductions of Mistress Hutchinson (Dudley's handiwork would seem to be visible here) "to make, upon some revelation, some sudden irruption upon those that differ from them in judgment"; and third, the order of March, 1638, directing William Coddington, and those of his following, to carry out within two weeks their previously announced intention of quitting the Bay for a more congenial place of abiding.¹ As early

¹ "Mr. Willi Coddington, Mr. John Coggeshall, Goo: William Baulston, Edward Hutchinson, Samuell Wilbore, John Porter, John Compton, Henry Bull, Philip Shearman, Willi Freeborne, and Richard Carder, these having license to depart, summons is to go out for them to appear (if they bee not gone before) at the next court, the third month, to answer such things as shall bee objected."—*Mass. Col. Rec.*, vol. i., p. 223.

as the preceding autumn, a party of Antinomians under Clarke had gone northward in search of a suitable spot for a settlement, but the rigors of a New England winter had chilled their ardor. These, now returning, combined with the followers of Coddington, and the whole, including William Aspinwall, John Coggeshall, and William Hutchinson, the husband of Anne Hutchinson, under the joint leadership of Coddington and Clarke, took ship for the south in the general direction of Long Island and Delaware Bay. As their ship was about to double Cape Cod—a large and dangerous cape, Clarke calls it—it was decided to go ashore, visit Roger Williams at Providence, and having profited by his counsel to meet the ship on the southern side of the cape.

The journey to Providence was made. Williams "courteously and lovingly received" the wanderers and suggested that they settle either at Sowams (now Warren) or at Aquidneck. For the purpose of ascertaining whether either of these places "fell in any other patent," it being their resolution to "go out of them all," a party consisting of William Coddington, John Clarke, and one other, with Williams as guide, set out for Plymouth. The magistrates "very lovingly gave them a meeting," and, while asserting a distinct claim to Sowams as "the garden of their patent, and the flower in the garden," advised them with a cheerful countenance "to settle upon Aquidneck, where they should be looked upon as free,

and as loving neighbors and friends."¹ The little party of four then returned to Providence, and the principal members of the company under Coddington and Clarke immediately entered into a compact of government.

The compact bears date "the 7th day of the first month, 1638." On the 24th day of the same first month (March), through the direct instrumentality of Roger Williams, the title to Aquidneck, or Rhode Island, and to the grass of the other islands in the bay (excepting Chibachuwa, — later called Prudence, — already sold to Winthrop and Williams jointly²), was obtained for the company from the Narragansett Indians at the price of forty fathoms of white beads. A deed³ for the purchase was executed by the two sachems of the Narragansetts, Canonicus and Miantonomi, in the name of "Mr. Coddington and his

¹ Clarke's *Ill News from New England*, Mass. Hist. Coll., 4th ser., vol. ii., pp. 23, 24.

² This island had originally been given by Canonicus to John Oldham upon the promise of the latter to establish there a trading station; but with Oldham's death the gift was transferred to Williams and Winthrop (*Narr. Club Pub.*, vol. vi., pp. 70-71). A deed for the island was made by Canonicus and Miantonomi to Roger Williams and John Winthrop on "the 20th of the 9th month of ye first year ye Pequods were subdued." On "the 22d of the 2d month, in the fourteenth year of our Sovereign Lord, King Charles," Williams conveyed his interest to John Throckmorton, and Throckmorton conveyed to Richard Parker of Boston. In 1678, Williams states that he sold his half of Prudence to Mr. Parker, "my honored dear friend of Boston"; that Winthrop gave his half to his son Stephen, and that he hears that the whole "is gone to Mr. Paine of Boston, deceased" (*Newport Land Ev.*, vol. i., pp. 207, 304). The foregoing is of interest in connection with the history of Prudence as "Sophy Manor," related at the end of Part II., Chapter XV.

³ The deed is set out in full in the appendix to Callender, *R. I. Hist. Coll.*, vol. iv., p. 214.

friends united under him." The Narragansetts, as Williams himself testified, were "very shy and jealous of selling the lands," and did so only "by the love and favor which that honored gentleman, Sir Henry Vane, and myself had with the great Sachem Miantonomi."

But this brings us to the interesting details of Roger Williams's general relations with the Narragansett Indians, as the tribe from which he obtained not only Aquidneck for the Antinomian refugees, but the site of Providence itself for his own company; and these details will constitute the matter for our next chapter.

NOTE.—In any estimate of the Puritans, the following lines by Peter Folger, maternal grandfather of Benjamin Franklin, are of no little value. Folger came to Massachusetts from Norwich, England,—that home of liberal thought,—in 1635. He settled first at Martha's Vineyard, but in 1663 removed to Nantucket, where in 1690 he died, respected and confided in by all. The poem from which the lines are taken is entitled "Looking Glass for the Times," and was written (though not printed, it is hardly necessary to say) prior to 1675. It vents no private grievance, but merely records the writer's conviction that the wars with the Indians were a judgment of God upon the Puritans for their theocratic, persecuting methods.

"But may we know the Counsellors
That brought our Rulers sin?

* * * * *

"They were the tribe of Ministers,
As they are said to be,
Who always to our Magistrates
Must be the eyes to see.

Early Rhode Island

"New England, they are like the Jews,
As like as like can be ;

.

"Though you do many prayers make,
And Fasting add thereto,
Yet, if your hands be full of blood,
All this will never do."

Rider's Hist. Tract No. 16.

CHAPTER III

ROGER WILLIAMS AND THE NARRAGANSETT INDIANS.

IN the years 1636 and 1637, the intertribal politics of the Indians of lower New England stood thus: The Connecticut Mohegans, fierce and restless in their strait between the Hudson Mohawks and the Pequods of the Thames Valley, were eager for any alliance that would liberate them. The Pequods, as confessedly the leading Indian military power, were jealous of any other power that might prove equal or superior, and thus destroy their prestige. The Narragansetts, also a strong power in a military sense, but to some extent an industrial and commercial power likewise, and governed by a chief sachem of exceptional intelligence, were jealous of other powers, but at the same time willing to weigh diplomatically the advantages and disadvantages of amicable relations therewith. The Wampanoags or Pokánokets, decimated by a recent scourge of the smallpox, and thus through diminution of numbers made tributary to the Narragansetts, had already embraced with joy the league with Plymouth, as a means, first, of protection, and next of enhanced dignity.

It is the opinion of Dr. J. G. Palfrey that the total number of Indians in New England, at the period under consideration, did not exceed 50,000; and that of these lower New England,—that is, the region now comprised in the states of Connecticut and Rhode Island,—contained perhaps one half. The Narragansetts were more numerous than either the Mohegans or Pequods, consisting perhaps of eight or ten thousand souls, of whom from fifteen hundred to two thousand were fighting men. This nation, when Roger Williams appeared among them and began to lay the foundations of Providence, “had never been reduced by pestilence or humbled by defeat.”¹

The coming of Williams was, as we have seen in Chapter I., inspired purely by a desire “to do the natives good,”—that is, to secure their conversion. Nor was this desire on his part one peculiar to himself among the English of the seventeenth century. Even the charter of the Massachusetts Bay Company, which Williams so cordially disliked, contained a provision,

“for the directing, ruling and disposing of all other Matters and Things whereby our said People, Inhabitants there, may be soe religiously, peaceable, and civilly governed, as their good Life and orderlie Conversacon maie wynn and incite the

¹ The name Narragansett, in its varying forms of Naiganeog and Naigan-set, signifies, according to Trumbull (*Narr. Club Pub.*, vol. i., p. 22), “the people of the point,” or the “territory about the point,”—perhaps Point Judith. For a full and discriminating account of the Narragansetts, see H. C. Dorr’s paper in *R. I. Hist. Coll.*, vol. vii., p. 137.

Natives of the Country to the Knowledge and Obedience of the onlie true God and Savior of Mankinde, and the Christian Faythe, which in our Royall Intencon, and the Adventurers free Profession, is the principal Ende of this Plantation."

Moreover, as Williams states in his introduction to *The Key into the Language of America*, published in 1643, such questions as: "What Indians have been converted? What have the English done in those parts? What hopes of the Indians receiving the knowledge of Christ?" were the great inquiry of all men. So true was this that, as time went on, and little seemed to be achieved by Massachusetts toward preaching the gospel to the gentiles, the neglect of duty was made matter of severe animadversion. Our acquaintance, Robert Baillie, the Scotchman, thus puts the case in his *Dissuasive from the Errors of the Time*, printed in 1645: "Only Master Williams, in the time of his banishment from among them [the Independents of New England], did essay what could be done with these desolate souls."

And, as far as Williams was concerned, there could indeed be no ground of reproach for neglect of duty. He himself, in *The Key*, alludes to the matter of Indian conversion as one "much pretended by all New English," but with respect to which he has uprightly labored to "suite his endeavours" to his "pretences," — a claim borne out by Wood, who, sailing from Massachusetts in 1633, published the next year in London his *New England's Prospect*, in which he speaks of Williams as, even at that early day, one who "in speciall good

intent of doing good to their [the Indians'] soules, hath spent much time in attaining to their language, wherein he is so good a proficient that he can speake to their understanding, and they to his; much loving and respecting him for his love and counsell."¹ In view of the high value of the results, both for Massachusetts and Rhode Island, which flowed from the religious zeal of Roger Williams in behalf of the Indians, — particularly in behalf of the Narragansetts, — it becomes important to note with some care the steps to which it gave rise.

A few weeks only after his arrival in New England, February, 1630-31, Williams accepted a call as teacher to the church at Salem. He left Salem the same year, and established himself as assistant to the Rev. Ralph Smith at Plymouth. During the summer of 1633 he returned to Salem, where he served as assistant to the pastor, Mr. Skelton, and, upon the death of the latter in 1634, succeeded him in the capacity of both pastor and teacher. It was while at Plymouth, probably in the year 1632, that Williams began the study of the Algonquin tongue, and, as a pre-requisite thereto, to cultivate the friendship of Massasoit and Canonius, the leading chiefs of the vicinity. He went fearlessly among the aborigines, having, as he tells us, "a painful, patient spirit to lodge with them in their filthy smoky holes," and "to dig into their barbarous rockie speech." His position as public

¹ Williams is not mentioned by name, but the allusion is manifestly to him.

speaker at Plymouth and at Salem caused him to be regarded by the Indians as a sachem among the English, and in due time he was admitted to the confidence of the Indian friend of the English *par excellence*, Massasoit. If in all this the young missionary manifested a dove-like harmlessness, he was by no means lacking in the accompanying wisdom; for he was careful to sweeten his intercourse with the natives by "gifts" and "tokens," "sparing no cost towards them." The outcome was, that in 1634 and 1635, — foreseeing possibly some rupture with the Puritans, — he was able to negotiate with Canonicus and with the old monarch's heir by adoption, Miantonomi,¹ an agreement for lands beyond the jurisdiction of Massachusetts.

This agreement was made with Canonicus rather than with Massasoit, for the reason that, as we have seen, the latter as Chief Sachem of the Wampanoags was tributary to Canonicus as Chief Sachem of the Narragansetts. But, aside from being Chief Sachem of the Narragansetts, what was Canonicus? What was his attitude toward Williams, and what did that attitude signify?

In 1637 Canonicus (or Caunouñicus, as Williams sometimes more phonetically writes the name²) had already reached the patriarchal age of three-score and ten years. For nearly a lifetime he had

¹ Roger Williams usually writes the name Miantunnômu,—"Key," *R. I. Hist. Coll.*, vol. i., p. 120.

² Canonicus, according to a tradition reported by Hutchinson (*Hist. Mass.*, vol. i., p. 458 n.), was the grandson of a great Narragansett sachem, Tash-tassuk. This sachem had only two children, a son and a daughter, and

held the proud position of Chief Sachem of the Narragansetts. He was possessed of marked acumen and foresight, and from the day—nearly twenty years before the time here treated of—when the sloops of the Dutch West India Company began to put into Narragansett Bay, he had concentrated his mind upon the problem of the white man and the Indian in that part of North America which his tribe occupied. The substance of his meditations would seem to have been that “his people were now confronted with a race vigorous, enterprising, united, with resources far exceeding his own,—before whom an Indian confederacy [should one be formed to resist them], must be as a rope of sand.” “He knew that the Mohawks, a nation greater than [the Narragansetts], either would not or could not expel the Dutch from Manhattan; . . . that a race whose pioneers could carry multitudes across a sea impassable to him, and fabricate utensils of iron, and set their houses upon foundations of stone, who had flocks and herds and probably other resources yet unknown, could not be starved, or exterminated, or driven away.”¹ The only thing to be done, therefore, was to accept the situation, and, by playing off Dutchman against Englishman,—Manhattan against Massachusetts,—to make such commercial gains as would in a measure compensate

not being able to match them according to their dignity, he joined them together in matrimony, a union from which sprang four sons, the eldest of whom was Canonicus. The tradition has its counterpart among the traditions of other tribes.

¹ Dorr, *R. I. Hist. Coll.*, vol. vii., p. 162.

his nation for whatever curtailment of independence the presence of the intruding Caucasian might compel. No more sage conclusion was ever reached by an Indian sachem; and what is the more remarkable, it was a conclusion of pure reason, reached contrary to instinct and inclination, and against the muttered protest of every inferior sachem of the tribe.

Canonicus, says Williams, was "shy of the English to his latest breath." And again he says: "At my first coming to them, Canonicus (*morosus æquæ ac barbarus senex*) was very sour, and accused the English and myself for sending the plague among them." But it also is the testimony of Williams that "Canounicus, the old high Sachem of the Narragansett Bay, once in a solemn oration to myself, in a solemn assembly, using this word, said: 'I have never suffered any wrong to be offered to the English since they landed, nor never will.'"¹ Many a North American Indian since Canonicus has had the acumen to perceive that the encroachments of the white man portended the extinction of the savage. This thought—to say nothing as to how far it may have animated Philip of Mount Hope—lay at the root of the conspiracy of the princely Pontiac and inspired both Tecumseh and Black Hawk. But the instances are certainly few where, with a thought so dark as this agitating his breast, a proud sachem has smothered his resentment, has made the best of unalterable circumstances, and, despite the opposition of his own

¹ Roger Williams's "Key," *R. I. Hist. Coll.*, vol. i., p. 64.

people, has kept faith and maintained peace. In Canonicus, indeed, we have exemplified Indian stoicism at its best. The old statesman, having once looked fate resolutely in the face and accepted it, did not afterwards falter,—neither in the presence of the Pequod ambassadors, nor, severest test of all, when the English permitted Miantonomi to be put to death. As Mr. Dorr justly observes: "He shares with Sir Henry Vane the claim to be esteemed the most serviceable friend of [Rhode Island, if not of New England], in its early days."

The sage monarch of the Narragansetts having reached the determination that peace must be kept with the English, it followed as a matter of course that Roger Williams, the English sachem and diplomatic agent, as he was believed to be,¹ must be treated with distinguished consideration. Williams himself always thought that his cordial reception by Canonicus (and, through him, by Miantonomi) was the result of affection purely. Highly affectionate in his own nature, he was ever ready to discover answering sentiments of regard in others. In his view, Governor Winthrop "tenderly loved him"; John Cotton looked on him with affection; even acerbic old Mrs. Sadleir, the daughter of Sir Edward Coke, whose recorded wish was that some day Tyburn might give him welcome, was "his much honored friend"; while, as for Canonicus, the kindly patriarch "loved him as his son to his last gasp," conferring upon him everything "by gift"

¹ Statement in letter by Williams to Governor Winthrop (June, 1638), *Narr. Club Pub.*, vol. vi., pp. 104, 105.

and "favor," even to Rhode Island (Aquidneck), which was "purchased by love." Nor was Williams by any means wholly mistaken as to the important part which affection for him played in his relations with the Narragansetts. It played a part second only to that of enlightened self-interest—self-interest, that is, as conceived by Canonicus.

The fact that Williams was *persona grata* at the Narragansett court, and that he spoke Algonquin, was, notwithstanding his condition as outcast, promptly turned to advantage by Massachusetts to insure the neutrality of Canonicus and Miantonomi in the conflict with the Pequods which was now (September, 1636) on the point of breaking out.

The first considerable aggression committed by the Pequods against the English was in 1633, in the murder of Captain John Stone, a Virginian, and six companions, while stopping in the Connecticut Valley to trade with the Dutch, on their way home from Massachusetts. Following upon the murder of Stone, came, on July 20, 1636, the murder of John Oldham, an adventurous Massachusetts trader, by the Indians of Block Island, who (being Nyantics) were tributary to the Narragansetts. The Massachusetts Government, feeling that the seriousness of the general Indian situation demanded some definite understanding with the Narragansetts, now, August 8th, sent an embassy to treat with Canonicus. The sachem received this visit of state cordially, but at the same time with marked dignity. He evidently intended to impress

the English both with the importance of his nation and the firmness of his own government, and he thoroughly succeeded. It is the remark of Winthrop, to whom as Governor the embassy made report, that there was observed in Canonicus "much state, great command over his men, and marvellous wisdom in his answers, and the carriage of the whole treaty, clearing himself and his neighbors of the murder of Oldham, and offering assistance for revenge of it, yet upon very safe and wary conditions."

At this point, however, the Pequods, perceiving that "they had made themselves to stink before the New English Israel," sought—at the instigation of their chief, Sassacus—to draw the Narragansetts into friendship with themselves. Roger Williams, therefore, to whom Winthrop had obligingly written on July 7th, "to look to himself if we should have occasion to make war upon the Narragansetts," was now appealed to, both by Winthrop the Governor, and by the Council of Massachusetts, "to use his utmost and speediest endeavors to break and hinder the league labored for by the Pequods against the English, excusing the not sending of company and supplies by the haste of the business." So urgent, indeed, was the case, that Williams (as graphically set forth in the harmonious sentences of his letter to Major Mason¹) immediately, by the help of the Lord, "put his life into his hand, and scarce acquainting his wife, shipped himself all alone in a poor canoe, and cut

¹ *Narr. Club Pub.*, vol. vi., p. 333.

through a stormy wind with great seas, every minute in hazard of life, to the sachem's house,"—the house of Canonicus. Here he spent three anxious days and nights, lodging and mixing with the bloody Pequod ambassadors, whose arms reeked with the blood of those murdered and massacred on the Connecticut, and from whom, as he says, he could but nightly look for their bloody knives at his own throat also.

A substantial result of this daring diplomacy was seen on September 21st, in the personal appearance of Miantonomi in Boston, in response to a request by Governor Winthrop, prepared to conclude a definite treaty of alliance between the Narragansetts and the English. The treaty signed consisted of the following stipulations, as noted in Winthrop's *Journal*:

"(1) firm peace between the Narragansetts and the English of all the plantations ; (2) neither party to make peace with the Pequods without the other's consent ; (3) not to harbor the Pequods ; (4) to put to death or deliver over murderers ; (5) to return fugitive servants ; (6) we to give them notice when we go against the Pequods, and they to send us some guides ; (7) free trade between us ; (8) none of them to come near our plantations during the wars with the Pequods, without some Englishman or known Indian ; (9) to continue to the posterity of both parties."

After the treaty was executed, and the visiting sachem and his attendants had been entertained at dinner, they were "escorted out of town and dismissed with a volley of shot," it being agreed that a copy of the treaty should be sent "to Mr.

Williams, who could best interpret" it to the Indian comprehension.

Heeding still further the Macedonian appeal of the Puritans, Williams, throughout the fall and winter of 1636 and the spring of 1637, kept the Massachusetts Government constantly informed of the movements among the Indians. His most important communication was written in May, 1637. It states that Canonicus has been "very sour" against the English, and that the writer has had to bestir himself in order to "sweeten" the old sachem's "spirit." It states further: "Miantonomi has kept his barbarous court lately at my house, and with him I have far better dealing. He takes some pleasure to visit me and has sent me word of his coming over again some eight days hence." The letter then proceeds to set forth in detail the Narragansett idea of how a campaign against the Pequods should be conducted: (1) there should be a reconnaissance on the part of the English, followed by a feigned retreat to draw the enemy into fancied security; (2, 3) vessels should not approach the Pequod coast, but should rendezvous at Nyantic (near Point Judith); for if observed, the whole Pequod nation would take refuge in Ohomowanke, or Owl Swamp; (5, 6) the assault upon the Pequod stronghold (a stockaded fort on the river Mystic) should be by night, and flight to the swamp should be cut off by a force placed in ambush. Williams concludes this letter with a sketch or rude view, as he calls it, of the Pequod position, and with the following re-

quest, or, more accurately under the circumstances, command from Canonicus: "I find that Canonicus would gladly accept of a box of eight or ten pounds of sugar, and indeed he told me he would thank Mr. Governor for a box full."

The movement against the Pequods—in view of which the letter sent by Williams in May, 1637, was written—was the immediate result of an appeal to New England for protection made by Lion Gardiner, the commander at Fort Saybrook (Connecticut), early in April. This appeal, so far as Massachusetts was concerned, had been met by the despatch (on April 10th) of that Falstaff of New England, Captain John Underhill, with twenty "lusty men well armed." Following close upon this force came Captain John Mason from Connecticut with ninety men under Lieutenant Seeley, and some eighty Mohegans under the redoubtable Uncas.

The advice given by the Narragansetts regarding the conduct of the campaign, and conveyed by Williams to Vane and Winthrop in his letter written in May, was evidently sound. So manifest indeed was the force of the reasons dictating it that Mason, who was in chief command, disregarding positive instructions to land his expedition in Pequod Harbor, returned to Narragansett Bay and landed near the dwelling place of Canonicus. In this way the English unwittingly followed in detail the suggestions presented by Williams, and with the exact results predicted; for the Pequods at Mystic Fort, seeing the pinnaces sail by Pequod

Harbor in the direction of the Narragansetts, fancied the attack abandoned, and were lulled into security by that very "feigned retreat" which Williams's communication had advised. The expedition having landed, Mason proceeded therewith to Nyantic, where a force sent by Miantonomi joined him, and on the day following (Thursday, May 25th) he was able to move forward accompanied by about five hundred Indians, all Narragansetts and eastern Nyantics, excepting Uncas with his small band of Mohegans.

The fort on the Mystic was surprised early on the morning of May 26th, and taken by assault. The slaughter that followed was indiscriminate. It was made even more so by the firing of the fort, which was rendered necessary in order to drive the inmates from their places of concealment among the wigwams, and was performed by Mason's own hand. "Many were burnt," says Underhill, "men, women, and children. Others, forced out, came in troops . . . twenty and thirty at a time, which our soldiers received and entertained with the point of the sword. . . . Those that escaped fell into the hands of the Indians that were in the rear of us." The Pequod loss in this attack is given by Underhill at about four hundred, and by Mason at six or seven hundred. They agree that not more than six or seven of the whole number in the stronghold escaped. Of the English, two were killed and twenty wounded. Within a day or two the news of the victory of the New Englanders over the Pequods reached Roger Williams at

Providence, and was by him promptly forwarded to Boston.

The fate of the Pequod nation at the hands of the Puritans was like that of the people of Rabbah at the hands of David.¹ A price was set upon the head of every warrior, and scalp-locks and severed hands were almost daily brought to Hartford, and not infrequently to Boston. The women and children were either distributed as bond-servants at home, and to the Narragansetts, or sold as slaves in the West Indies. Crowning all, on August 5th, the Rev. John Wilson returned from the front, bearing the scalp of Sassacus,—a souvenir and token of brotherly admiration and esteem from the courteous Mohawks.

It has been the concern of New England moralists of later years to find means wherewith to reconcile the wholesale butchery at Mystic Fort, and subsequently, with the merciful precepts of the Sermon on the Mount; but, as already indicated, the New England moralists of the seventeenth century felt no such solicitude. Their word of moral guidance was found not in the Sermon on the Mount, but in the Chronicles of David's wars and in the Imprecatory Psalms, and the destruction of their enemies was, therefore, legitimate matter for exultation. On June 15th, 1637, Winthrop recorded the following: "There was a day of thanksgiving kept in all the churches for the victory obtained

¹ "And he [David] brought out the people that were in it [Rabbah] and cut them with saws, and with harrows of iron, and with axes."—1 Chron., xx., 3.

against the Pequods and for other mercies." Even honest Captain Mason wrote: "Thus the Lord was pleased to smite our enemies in the hinder parts, and to give us their land for an inheritance . . . then was our mouth filled with laughter and our tongues with singing; thus, we may say, the Lord hath done great things for us among the heathen wherefore we are glad. Praise ye the Lord!"

Only two voices, amid all this apotheosis of slaughter, seem to have been raised in commiseration of the fallen,—one the voice of poor, susceptible, erring Captain Underhill, who ventured to put to himself the question, "Should not Christians have more mercy and compassion?" and the other the voice of Roger Williams, who, *apropos* of the determination manifest not only to humble but utterly to exterminate the Pequods, wrote, on July 15th, to Winthrop: "I . . . fear that some innocent blood cries at Connecticut. Many things may be spoken to prove the Lord's perpetual war with Amalek extraordinary and mystical, but the 2 Kings xiv., 5, 6¹ is a bright light discovering the ordinary path wherein to walk and please him." And he adds in a postscript: "I fear the Lord's quarrel is not ended for which the war began, viz.: the little sense (I speak for the general that I can hear of) of their [the Indians'] souls' condition, and our large protestations that way."

¹ "But the children of the murderers he slew not: according unto that which is written in the book of the law of Moses, wherein the Lord commanded saying, The fathers shall not be put to death for the children, nor the children be put to death for the fathers; but every man shall be put to death for his own sin."

Indeed, of all concerned in the war against the Pequods, it is established by common consent that none performed a part at once so courageous, resourceful, and disinterested, as Roger Williams. His labors began even before the war itself, and lasted till long after its close. He not only was the immediate and moving cause of the treaty of alliance between Massachusetts and the Narragansetts, but when hostilities actually broke forth, although it was his desire to go to the front with the troops, he remained behind at Providence, at the earnest solicitation of the Massachusetts Government, and acted as "interpreter and intelligencer, constantly receiving and sending letters to the Governor and Council at Boston." He was in favor of decisive measures against the enemy (and such were unavoidable), but not of sheer mercilessness sanctioned out of the Old Testament; and spoke with loathing of those "dead hands" upon which there was reason to apprehend that the eyes of Puritan Boston were feasting with an unholy glow.

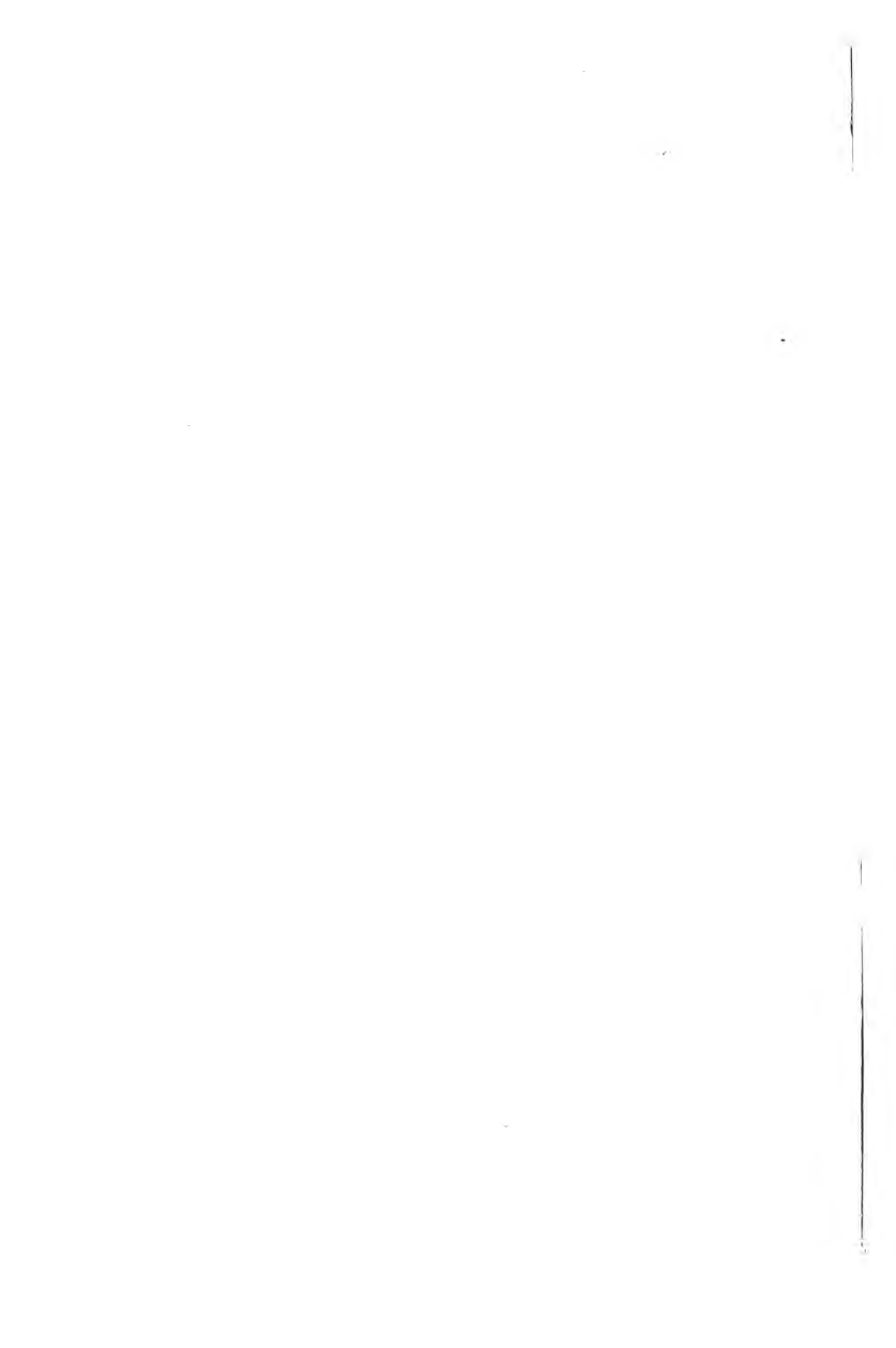
One result of the war—a result fraught with fresh menace to the security of New England—was the elevation of the Mohegan Sachem, Uncas, to a place by the side of Miantonomi as a candidate for the favor of the English; and with the rivalries of these two sachems the peace of Williams was troubled through several years. He, of course, as far as he justly could, exerted himself in behalf of Miantonomi; but it is perhaps a significant circumstance regarding the latter, at least from a

military point of view, that, while constantly at war, the only known occasion upon which he risked his own person in battle was when he was taken prisoner by Uncas as he fled headlong from the field. He loaned the English his men—a most unreliable set—in the expedition against Mystic Fort, but he did not (as did Uncas) lend likewise the encouragement of his own presence and example.

But this by the way. Taking all into the account, there is no exaggeration in Williams's statement concerning himself, made in his declining years to Major Mason: "I had my share of service to the whole land in that Pequod business, inferior to very few that acted." Indeed, it may be said of him that, like Joseph thrust out of Israel, he, from his high place among the heathen, requited his persecutors with their lives; nor does it detract from his generosity that in so doing he rendered possible the perpetuation of that "livelie experiment"—the Rhode Island Commonwealth.¹

¹ On July 10, 1637, Williams wrote to Governor Winthrop, mentioning the fact that Thomas Roberts, a soldier of the Pequod War, had been left at his house in a critical condition, but that his (Williams's) wife had "got him upon his legs, though very weak"; whence we may know that by this time the exile had been joined by his family, left behind when he fled from Salem.

The Principle of Freedom of Conscience in
Religion Made by Rhode Island its Corner-stone,
and the Struggle for
Political Individualism Begun



CHAPTER IV

THE MAINLAND AND THE ISLAND

I—THE MAINLAND : PROVIDENCE—WARWICK

IN proceeding to relate the founding of the first four communities of Rhode Island, we come at length to what is distinctively Rhode Island history upon Rhode Island soil.

These communities fall naturally into two groups : one consisting of Providence (Mooshassuc) and Warwick (Shawomet), Mainland settlements ; and the other of Portsmouth (Pocasset) and Newport, settlements on the island of Aquidneck. The first group was founded by men—Roger Williams and Samuel Gorton—whose bent (modified somewhat by time and events) was in the direction of pronounced individualism. The second group, on the contrary, owed its existence to William Coddington and John Clarke, men of practical qualities and business experience, who from the start realized the need in community affairs of the strong hand of authority. And it is interesting to note how, all through the history of Rhode Island for over a hundred years—down, in fact, to 1742—the two sets of influences, one the Providence set, and the other that of Aquidneck, contended against each other ;

the former, with respect to the world at large, making for separation and exclusiveness ; and the latter, for co-operation and general intercourse. Upon one point only were the two groups of communities in practical agreement (and even here, at first, the agreement while practical was not absolute), and that was that no one should be accounted a delinquent merely for doctrine. But to our narrative.

When Williams, after landing at the spring and building a wigwam for temporary shelter, climbed with some of his companions to the summit of the hill that rose nearly two hundred feet directly behind his habitation, the view that met his gaze has thus been described by Mr. Dorr¹ :

" The Great Salt River flowed far below broad and unconfined. On the east it was bordered by ancient forest trees, and on the west by deep marshes studded with islands overgrown with coarse grass, and nearly covered by every spring tide. At the head of the bay the channel widened into a cove, with a broad gravelly beach on the east and north, and a border of salt marshes on the west. It received on its northern side two small and sluggish rivers, each with its own environment of swamp and wood land. . . . Still farther westward, low sand hills scantily covered with pines rose above the marsh. Beyond these, unpromising ridges of rock and gravel stretched along the western horizon and shut in the view. On its western side, the hill upon which our explorers stood ascended abruptly from the very margin of the Salt River, but sloped with an easy descent to the Seekonk nearly a mile away on the east. Both its eastern and western hillsides were thickly wooded with ' eminent trees ' of oak and cedar.

¹ Rider's *Hist. Tract No. 15.*

"Both declivities were well watered, but the rains of centuries had well-nigh washed away whatever fertilizing principles the soil of the western hillside had once possessed, and it promised only a scanty return to the labors of the settlers. But when our eager observers turned their steps northward toward the streams which poured their turbid waters into the cove, and enjoyed their first view of the natural meadows [along these watercourses], and thence looked southward over the Pawtuxet valley, ready to be converted into corn lands and pastures, a sense of relief came over them as to the prospects of the new plantation."

The further and closer inspection of subsequent days disclosed to the exiles "great beds of clams and oysters bordering the east side of the Salt River and cove," "ample supplies of pigeons and other wild birds," schools of bright-colored salmon ascending the river, and slender deer vanishing in the uplands. "Banishment from the society of Puritan elders and magistrates," remarks Mr. Dorr, "was not without its alleviations."

The initial steps toward converting the Indian Mooshassuc into an English plantation, which were taken by Williams, were three in number: first, the securing from Canonicus and Miantonomi of a "gift" of the spot (the lands and meadows upon the two fresh rivers, Mooshassuc and Wanasquatucket), in accordance with the "treaties" or understandings of the years 1634 and 1635; second, the providing for the spot of an English name, Providence being selected because of the providential "vacancy" there existing, and "many other Providences of the Most Holy and Only Wise"¹; and

¹ *Narr. Club Pub.*, vol. vi., p. 335.

third, the purchase from the Narragansett sachems (on November 10, 1637) of the island of Prudence in the bay (a natural corral for goats and swine) to serve as a reliable source of food supply.¹

It, however, was not until March 24, 1638, that Williamis procured a memorandum of conveyance from Canonicus and Miantonomi reducing their gift to tangible form. And, in view of the recipient's "many kindnesses and services" to the donors, the gift was now enlarged so as to embrace "all [the] land from [the Mooshassuc and Wanasquatucket] rivers to the Pawtuxet," and "the grass and meadows upon [the latter stream]"; the original transfer passing into history as the "Providence purchase," and the one additional as the "Pawtuxet purchase."² Moreover, to render everything defi-

¹ Cattle at first were a great rarity. James Brown, who was a grandson of Chad Brown, and who died in 1732 at the age of sixty-six years, says, in a document preserved among the *Moses Brown Papers* at the Rhode Island Historical Society, that in 1638 "one cow was sold for 22 pound in silver and gold, as I have been credibly informed." Chad Brown himself may have imparted this information, for he came to Providence in 1637.

² The original deed is still in existence. It is kept (carefully protected) at the Providence City Hall. Facsimile reproductions may be found in C. W. Hopkins's *Home Lots of the First Settlers* (1886) and in Rider's *Hist. Tract No. 4*, 2d Ser. The following is the language of the instrument:

"At Nanhiggansick the 24th of the first month commonly called March, in the second year of our plantation or planting at Mooshausick or Providence. Memorandum, that we Caunaunicus and Meauntunomu, the two chief sachems of Nanhiggansick, having two years since sold unto Roger Williams, the lands and meadows upon the two fresh rivers, called Mooshausick and Wanasquatucket do now by these presents, establish and confirm the bounds of those lands, from the river and fields at Pawtucket, the great hill of Neotaconkonitt on the northwest, and the town of Mashapaug on the west. As also in consideration of the many kindnesses and services he hath continually done for us, both with our friends of Massachusetts as also at Quiniticticut and Apaum or Plymouth, we do freely give unto him all that land from those rivers, reaching to Pawtuxet river, as also the grass and

nite, Miantonomi went personally with Williams over the entire tract, and pointed out the bounds and limitations.¹ As is well known, the Indian sachems were remarkably exact in matters of boundary, and whatever uncertainty may have arisen later on by reason of the very informal style of the memorandum, it is safe to assume that the Indians themselves knew precisely what lands they had parted with; or, to put the statement as no doubt they would have put it, what lands they had permitted to be occupied.

Meanwhile the new plantation had been growing in numbers, and, on October 8, 1638, Williams executed to twelve persons, including one of the original meadows upon the said Pawtuxet river. In witness whereof we have hereunto set our hands.

" [The mark of Caunaunicus.]

" [The mark of Meauntunomu.]

" In the presence of

" [The mark of Soatash.]

" [The mark of Assotemewit.]

" 1639 Memorandum 3, mo 9th day. This was all again confirmed by Miantenomu, he acknowledged this his act and hand up the streams of Pawtucket and Pawtuxet without limits, we might have for our use of cattle. Witness whereof

" ROGER WILLIAMS,

" BENEDICT ARNOLD."

The bounds of both the Providence and Pawtuxet "purchases," so far as they may be gathered from the deed, are indicated on the map at the beginning of this volume. In so far as these bounds have been a subject of controversy, they are considered at Chapter XIV.

¹ This at least is a fair inference from Williams's statement, in his letter of October 18, 1677, to the Commissioners of the United Colonies (*Narr. Club Pub.*, vol. vi., p. 390), that "Miantonomi had set us our bounds here in his own person." It, however, is the statement of Stukeley Westcott, made March 20, 1659-60: "We had not Boundes sett, whereupon we sent to the said Sachem [Miantonomi] to come and sett our Boundes, hee cominge there was some difference between ourselves, so that he went away and left the landes unbounded."—*William Harris Papers* (R. I. Hist. Soc. MSS.).

nal settlers, William Harris, a conveyance, or rather memorandum of conveyance, of the lands named in the deed from the sachems.¹ This deed to the twelve is of special historical interest, for, taken in connection with a letter written by Williams to John Winthrop in August or September, 1636,² it discloses quite clearly the peculiar conditions under which the state of Rhode Island, at one of its points of germination, took its rise. The letter in question intimates that Williams was beginning to be "wearied" by those "desires" of William Harris (of which he makes explicit mention at a subsequent time)³ to be admitted, along with others, "into fellowship of [his] purchase." It shows also that, to the end of furthering the double project of founding an Indian mission and an asylum for "persons distressed for conscience," he wished so far to predetermine the form of government for the plantation, that, while retaining upon general subjects but a single vote for himself, he might prevent his associates from admitting to membership per-

¹ The twelve grantees were Stukeley Westcott, William Arnold, Thomas James, Robert Cole, John Greene, John Throckmorton, William Harris, William Carpenter, Thomas Olney, Francis Weston, Richard Waterman, Ezekiel Holliman.—*Prov. Rec.*, vol. iii., p. 90.

On December 20, 1661, Williams executed a deed confirming the conveyance of October 8, 1638. In this he says that "in the year 1637, so called, I delivered the deed subscribed by the two aforesaid chief Sachems, so much thereof as concerneth the aforementioned lands from myself and my heirs unto the whole number of purchasers," etc. But that 1638, and not 1637, was the actual date is made evident by the circumstance that four of the purchasers alluded to by Williams (Westcott, Weston, Waterman, and Holliman) did not come to Providence till after March, 1638.

² *Narr. Club Pub.*, vol. vi., p. 3.

³ Rider's *Hist. Tract No. 14*, p. 55; *R. I. Hist. Soc. Pub.*, n. s., vol. viii., p. 157.

sons of whom he could not approve. The letter queries: "Whether I may not lawfully desire this of my neighbors, that as I freely subject myself to common consent, and shall not bring in any person into the town without their consent, so also that against my consent no person be violently brought in and received."

But what is merely shadowed forth in the letter is made distinctly apparent in the deed to the twelve. This instrument, although inartificially drawn, — far too inartificially to effect its object, — still enables us to perceive that the intention of the grantor was to make a conveyance in trust for public uses. The language of the deed in its granting clause is: "That I, R. W., do freely and fully pass, grant, and make over equal right and power of enjoying and disposing the same grounds and lands [purchased of Canonicus and Miantonomi, including those upon the Pawtuxet], unto my loving friends and neighbors [designating them by their initials], and such others as the major part of us shall admit into the same fellowship of vote with us."¹ Here, as Mr. Dorr points out, "the only succession described is a corporate succession to a perpetual body continued in being by the vote of the entire fellowship, [a fellowship which could have] successors, but [could not have] heirs." Moreover, in all subsequent references to this deed by Williams, including that contained in

¹ The consideration of this deed was £30, each grantee contributing 30s., country pay. The deed is set out in full in Staples' "Annals of Providence," *R. I. Hist. Coll.*, vol. v., p. 28, and in the *Prov. Rec.*, vol. xv., p. 86.

"the confirmation deed" executed by him and his wife on December 20, 1661, the claim is reasserted that the conveyance was in trust for the "fellowship."

Nor, I apprehend, can there be much doubt that the deed to the twelve — the "initial deed," as it is usually called — was understood according to its true import by William Harris. It did not admit him and his associates into the kind of "fellowship of [Williams's] purchase" that was desired, and for the securing of which Harris is said to have gone the length of "pretending religion." But the latter was shrewd and practical, and when he found that he could do no better, accepted the initial deed without particular exhibition of chagrin (which would have disclosed that his religious interest in Indians and exiles had been pretended), and bided his time under the resolve to obviate the informal instrument by setting against it (as he in fact did) the natural desire of the community for immediate and individual ownership and control.¹

Thus was defeated in its inception Roger Wil-

¹ It was the claim of William Harris in later years that Williams acted merely as *agent* in procuring the Indian grants (*R. I. Hist. Soc. Pub.*, n.s., vol. i., p. 201; *Rider's Hist. Tract No. 14*, p. 53; *Prov. Rec.*, vol. v. p. 304), but for this claim there is virtually no foundation. Harris, when Williams gave him "leave to come along in [his] company," was undeniably "poor and destitute," and there is every reason to give credence to the words of Williams when he says: "It is not true that I was employed by any, made covenant with any, was supplied by any, or desired any to come with me into these parts." The full extent of Williams's *agency* was no doubt comprised in the "promise," which he admits making to Harris, not to exclude him and his associates from participation, in some form, in whatever he might receive from the Indians.—*Rider's Hist. Tract No. 14*, pp. 53, 54.

liams's interesting experiment of a mission and an asylum under the corporate management of a plantation in the wilderness. As intimated, the defeat was due to the circumstance that the experiment contravened too strongly the human passion of acquisitiveness. In the defeat, however, there was in no way involved the fate of the broader experiment of Freedom of Conscience, of which the mission and asylum project was but an attempted special application; for, in the absence of an established church and clergy, and of ecclesiastical property, the principle of Freedom of Conscience marches with acquisition rather than against it, — a statement sanctioned to the full by Mr. Dorr in the remark that "solvency has at all times held the same place in Rhode Island which Puritan orthodoxy once occupied in Massachusetts."

But the deed having been accepted by the twelve, the next thing to be done was to make under it an assignment of lands from the Providence purchase, upon which the grantees (weary with sojourning in wigwams), and such others as meanwhile had been admitted into their fellowship, — fifty-four in all, — might build comfortable homes and plant corn. The parcels for dwellings were each five acres in extent and were assigned apart from those for planting. They were arranged on a thoroughfare or "towne streete" that extended for two miles along the east side of the Great Salt River. The two sets of parcels (the set for planting comprising parcels of six acres each) were assigned at one

time and probably by lot, but Williams was perhaps accorded a choice before the drawing began. Later on, when the matter had been fully determined, the landed rights of a full proprietor at Providence embraced, we are told, a "home lot," a "six acre lot," and a right to a sufficient amount of the general land to make up one hundred acres.

"The houses upon the 'towne streete' during the first generation," says Mr. Dorr, "were set upon stone foundations, and roughly but solidly framed with oak timbers hewn with the axe." They were of a story or a story and a half in height, and at one end was a huge stone chimney.

"In the earliest days the houses had but two rooms, called in the probate documents the 'lower room' and the 'chamber.' The space did not always permit the luxury of stairs, and the only ascent to the chamber was often by a ladder. These humble dwellings were nearly universal until the last decade of the seventeenth century. . . . In such a house lived John Smith the miller and town clerk. A few houses had two rooms upon the floor, sometimes called in the inventories the 'inner' and the 'outer' rooms. Thomas Olney Sr. had a 'parlour,' 'kitchen,' and 'chamber.' Williams had at times more money than his associates, and his house was very probably the largest of his day."

Each home lot extended eastward from the town street in the form of a long parallelogram, and immediately in rear of the dwelling were the barn and other outbuildings. Behind these there was an orchard, and at the foot of the orchard the family burying-ground, where, "when the controversies of the town street were ended, the disputants were

laid to rest by their surviving opponents in the quiet of their homes in the wilderness."

If the first dwellings were heavy and rude, so were the furnishings.

"Solid chests and tables stood upon the sanded floors. Chairs were but an infrequent luxury." "As a substitute, the old English settle stood at the family table, by the winter fireside, and before the door during the summer evenings. The settlers were at first not richer in culinary utensils. The ancient iron pot was then their sole representative, and doubtless performed many functions. Their tables, like those of the English yeomen of the period, had no display of linen. The wooden trencher, with a few articles of earthen-ware or 'puter,' served all the purposes of refreshment or hospitality."

No inventory "has any mention of the silver plate, or carved oak furniture, such as many of the planters of Massachusetts brought with them." William Harris—as one would expect from the general forehandedness of the man—was able to make the most creditable display of personal belongings. "His voluminous inventory," says Mr. Dorr, "shows every kind of rural comfort. Besides two chairs, a frying pan, platters, dishes and spoons, and a press for 'syder,' he alone of that generation had a warming-pan for the comfort of his old age."

The origin and development of civil institutions in Providence forms the most suggestive topic in the history of the community. The political conditions were unique. The settlement was upon English soil, but so remote from England as to be practically independent. It was also independent

of the other colonies. There was no lord proprietor, and any proprietary authority that might have been exercised by Williams, in virtue of his Indian title, he chose to resign. As Professor George E. Wilson observes, "Whatever form of government was to be established must come from within." The form which, coming "from within," was established reflected quite accurately the feeling of the inhabitants, which may not inaptly be said to have been that there should be neither magistracy nor church, and that the two should be kept entirely separate. One step, however, as a body politic the inhabitants seem to have been sufficiently sure of themselves to take at the outset, and that was, according to Winthrop, to "make an order that no man should be molested for his conscience." Otherwise than as recognized in this order, "the face of magistracy" (to quote Williams's own words in the letter of August or September, 1636) "[did] not suit with [their] condition." Williams says further in this letter: "Hitherto the masters of families have ordinarily met once a fortnight and consulted about our common peace, watch, and planting; and [by] mutual consent have finished all matters with speed and peace."

But the plan of government by "mutual consent,"—that is, of government in the full sense by consent of the governed,—was already, after some few months' trial, beginning to prove insufficient. Williams adds that "of late some young men, single persons (of whom we had much need);

being admitted to freedom of inhabitation and promising to be subject to the orders made by the consent of the householders, are discontented with their estate, and seek the freedom of vote also and equality, etc.," and that, "beside," the settlement is in danger "in the midst of these dens of lions," referring to the Indians; whence he draws the conclusion that there is a demand "to be compact in a civil way and power." He therefore submits for the criticism of Winthrop, his correspondent, a form of compact which, although never formally adopted, was acted upon, and may be regarded as the first written constitution of the settlement. It is as follows:

"We, whose names are hereunder written, late inhabitants of the Massachusetts (upon occasion of some difference of conscience) being permitted [!] to depart from the limits of that Patent under which we came over into these parts, and being cast by the God of Heaven remote from others of our countrymen amongst the barbarians in this town of New Providence, do with free and joint consent promise each unto other that, for our common peace and welfare (until we hear further of the King's royal pleasure concerning ourselves), we will from time to time subject ourselves, in active or passive obedience, to such orders and agreements as shall be made by the greater number of the present householders, and such as shall hereafter be admitted by their consent into the same privilege and covenant in our ordinary meeting."

Soon after the plan of government by majority of householders had gone into effect, another suggestion which Williams had submitted in his Winthrop letter was not only put into effect, but formally adopted. This had reference to those

"young men, single persons of whom [the settlement] had much need," and stands as follows upon the town records :

"We, whose names are hereunder, desirous to inhabit in the town of Providence, do promise to subject ourselves, in active or passive obedience, to all such orders or agreements as shall be made for public good of the body, in an orderly way, by the major assent of the present inhabitants, masters of families, incorporated together into a town fellowship, and such others whom they shall admit unto them, only in civil things."¹

It should, however, be remarked that in Williams's draught of the above, the words "only in civil things" were lacking, nor is it known to whom their insertion is to be attributed. The point in any event is of no great importance; for whether these words were added upon the advice of the founder of Providence, or upon that of some one of his associates, they clearly expressed both the individual views of the former and the policy which the community had prescribed for itself from the beginning.

The new régime inaugurated by Williams—that of government by majority of householders—was one of democracy, in the sense that under it there was (as in the Democracies of antiquity) equality

¹ This compact was probably of date August 20, 1637. At all events, such was the date according to a transcript of the original date-page (now missing) made in 1800. Moreover, Daniel Abbot, some years after 1637, mentions the date in question as that upon which Providence "became a towne incorporated" (*Prov. Rec.*, 4th Rep., p. 11). The subscribers to the compact were Richard Scott, William Reynolds, John Field, Chad Brown, John Warner, George Rickard, Edward Cope, Thomas Angell, Thomas Harris, Francis Wickes, Benedict Arnold, John Winsor, William Wickenden.—*Prov. Rec.*, vol. i., p. 1.

among the ruling class. It was not democratic in the inclusive sense of later times, but this is not to be wondered at. There was about it one noteworthy feature, which was that it was practically unprovided with organs of function; its habit, like that of certain marine animals, was to improvise out of its own substance whatever organ occasion required, and then, as quickly as possible, to merge the organ again within itself. The cause for this was jealousy of delegated power,—such power as the settlers had both seen, and been made to feel the smarting effect of, in Massachusetts. For example, the town records kept during the first years of the plantation—that is, down to 1640—reveal the existence of only two public officers, a treasurer chosen monthly, and a clerk chosen at each town meeting. There were no courts nor magistrates, and no executive officers; there was not even that historic functionary a constable.

With the year 1640, politics at Providence took on a new phase. The unorganic in government was compelled to give place to the organic,—a low form of the organic, it is true, but organic to a certain extent none the less. Sometime prior to August 27th, the town named a committee of four (among whom were Chad Brown and William Harris) with power to establish a true line of division between “the general common of our town of Providence,” and “the particular properties which some of our neighbors have in Pawtuxet,” and in addition to formulate a system of arbitration for the community. On August 27th this committee

made its report, which,¹ aside from determining the division line mentioned above, embodied the following conclusions: (1) That five men be appointed "to be betruſted with diſpoſal of lands, and alſo of the town's ſtock and all general things"; alſo to act as a board of naturalization for ſtrangers, receiving into fellowſhip ſuch applicants only as, after ſix days notice, are not found open to objection.² (2) That "as formerly hath been, . . . ſo ſtill to hold forth liberty of conſcience." (3) That it is apprehended that there is "no way ſo ſuitable to our condition as government by way of arbitration," and that in caſes of diſpute, if arbitration be not voluntarily reſorted to, the five "diſpoſers" may compel it by chooſing two arbitrators for each diſputant, whoſe deciſion ſhall be enforced by the diſpoſers.³ (4) That the diſpoſers ſhall call delinquents "to answer by arbitration" upon the complaint of the injured party, but if the latter make no complaint, then upon

¹ Staples' "Annals of Providence," *R. I. Hiſt. Coll.*, vol. v., p. 40, and *Prov. Rec.*, vol. xv., p. 2.

² The rule upon this point originally adopted (Auguſt 13, 1636) was, that "any man to be receaved as an Inhabitant" muſt apply in ſeaſon for the "month day," but that, in caſes of ſpecial urgency, "four dayes warning" would be ſufficient.—*Prov. Rec.*, vol. i., p. 2.

³ If the four arbitrators (or a majority of them) could not agree, then the diſpoſers were to name three ſubſtituted arbitrators, and their deciſion, or that of a majority of them, was to be final. Where a deciſion was reached by the four, the "faultive" was to pay the arbitrators for their time; and where a deciſion was reached only by the intervention of the three, the "faultive not agreeing in the firſt [arbitration was] to pay the charge of the laſt." But if, in the opinion of the three, the failure to reach a deciſion in the firſt arbitration were due to captious demands made againſt an offender who offered reaſonable accommodation, then the three were to aſſeſs the coſts of the final arbitration to the party truly in fault.

the complaint of any person. (5) That hue and cry be raised against any delinquent seeking to escape, but that "if any man raise a hubbub, and there be no just cause, then for the party that raised the hubbub to satisfy men for their time lost in it." (6) That in case of a difference on the part of any person with any of the disposers, "which cannot be deferred till general meeting of the town, he may have the clerk call the town together." (7) That "the town by five men shall give every man a deed of all his lands lying within the bounds of the plantation to hold it by for after ages." (8) That "the five disposers shall, from the date hereof, meet every month day upon general things, and at the quarter day to a new choice, and give up their old accounts." (9, 10, 11, and 12) That the clerk shall call together the disposers "at the month day," and "the general town every quarter," etc.

The foregoing report bears, in addition to the signatures of the committee by whom it was prepared, those of thirty-five of the householders of Providence, Roger Williams's signature being with the others. How little was gained in organic effectiveness by the substitution of the plan of government by arbitration for that of government by majority of householders becomes apparent in the fact that the only executive power provided under the plan first mentioned was that of "the whole inhabitants" brought into activity by the "hubbub" or hue and cry;—there was still no constable. Thus the Providence body politic—a low and imperfect organism, its vital currents

balked in their courses — maintained a weak and miserable existence for several years. Two cases in particular — the case of Joshua Verin, and that of Samuel Gorton and the proprietors of Providence and Pawtuxet — will serve to illustrate the times.

The Verin case is one among a number in the history of Rhode Island which raise the question, how far Roger Williams and his community were consistent in their application of the principle of Freedom of Conscience. Joshua Verin was "a young man, boisterous and desperate," who, refusing "to hear the word," for which he was not molested, set to beating his wife, "a gracious and modest woman," "because he could not draw [her] to the same ungodliness with him[self]."¹ In other words, Verin forcibly restrained his wife from attending upon the religious exercises which Williams was in the habit of holding in his own house, and as a sequel was, on June 21, 1637, "withheld the liberty of voting for breach of covenant in restraining liberty of conscience." The brutality with which this "boisterous and desperate" young man treated his wife would of itself have been ample justification for his "being withheld the liberty of voting," but apparently for the purpose of making a test on the conscience question — a question involving the foundations of their community — the people of Providence chose to go

¹ Letter of Roger Williams to John Winthrop, May 22, 1638, *Narr.*, *Club Pub.*, vol. vi., pp. 95, 96.

behind the culprit's conduct to his motive, and punish him for that.

The culprit, however, has not lacked defenders. Mr. Dorr quietly suggests that as the house of the Verins was next to that of Williams on the north, Mistress Verin was probably led to neglect the family dinner in order that she might attend the prophesyings of the arch-exile,—*hinc illæ lacrymæ*. But the most ingenious defence is that by William (or Benedict) Arnold, one of the "first comers" to Providence. He, as related by Winthrop, stood up in the town meeting and, referring to the rule about liberty of conscience, said that "when he consented to that order he never intended it should extend to the breach of any ordinance of God, such as the subjection of wives to their husbands"; and that Verin, having this ordinance before him, evidently had done what he did "out of conscience"; wherefore to censure him would be to act contrary to their own rule, which was that "no man should be censured for his conscience." The point here made by Arnold was not meant to be seriously taken, for, as Winthrop tells us, he was "a witty man," but it was nevertheless a point that the people of Rhode Island had to meet more than once. Verin's case was easy of solution, but others arose in which the line between acts tolerable because dictated by conscience, and acts intolerable whether dictated by conscience or not, was extremely hard to trace.

The further case mentioned as illustrative of the times—that of Gorton and the proprietors of

Providence and Pawtuxet—was one of far-reaching consequences, and may be but briefly touched upon in the present chapter.

Almost contemporaneously with the execution by Williams of the initial deed,—that is, shortly after October 8, 1638,—Harris, still pretending religion, and, together with his co-grantees, particularly Thomas Olney, Sr., confessing himself (orally) a mere "feoffee" or trustee for public ends,¹ pressed his chief to an arbitration respecting the as yet unassigned lands upon the Pawtuxet; whence it resulted that these lands (in a sense only less ambiguous than that attaching with respect to the Providence purchase) were assigned.²

¹ Rider's *Hist. Tract No. 14*, p. 56; *R. I. Hist. Soc. Pub.*, n. s., vol. viii., p. 157.

² The assignment was made under an agreement dated the 8th of the 8th month, 1638 (but, as stated in the text, probably executed shortly after this date), which provided that "all the Meddow ground at Patuxett bounding upon the fresh River on both sides is to be impropriated unto those 13 persons being now incorporated together in our Towne of providence . . . and to be equally divided among them and every man to pay an equall proportion to raise up the sum of 20 £ for the same, and if it shall come to passe that some or any one of these thirteene persons abovesaid doe not pay or give sattisfaction of his or their equall proportions . . . by this day eight weekes which will be the seventh day of the 10th moneth next ensuing [eight weeks from October 8th would have been December 3d, not December 7th] that they or he shall Leave theire or his proportion of meddow ground unto the rest of those 13 persons to be at their disposing who shall make up the whole sume of Twentye pounds which is to be paide unto Roger Williams."—*Prov. Rec.*, vol. xv., p. 31.

On December 3, 1638, Williams endorsed the above instrument with his receipt for £18 11s. 3d. In its nature, therefore, this agreement was a substitute for so much of the initial deed as affected Pawtuxet; for, whereas the initial deed conveyed Pawtuxet, as well as Providence, in trust for the fellowship (including members subsequently to be admitted), the agreement conveyed Pawtuxet free of any trust. And the substitute was valid, for it was assented to by all the parties in interest. Williams, however, evidently supposed, as shown by his description of the Pawtuxet men as "feoffees,"

in severalty to "the monopolizing twelve." And not only so, but the following year (1639),¹ in June, some one (certainly not Roger Williams, probably Harris) contrived to have entered upon the original deed from the sachems a clause (purporting to be by Miantonomi, although not signed by him) confirming the Providence and Pawtuxet grants, and granting further, "up the streams of Pawtucket etc. without limits . . . for our use of cattle,"—a clause so loose, large, and vague as to be charged with possibilities wholly unforeseen by Miantonomi, or Williams, or any one else, unless it were the procurer of it, William Harris.²

Doubly fortified, therefore, in their ownership of Pawtuxet, the twelve promptly went into possession. Harris, together with William Arnold, William Carpenter, and Zachariah Rhodes, moved

that the latter considered themselves bound to subserve "public ends" in their Pawtuxet, as well as in their Providence holdings.

¹ Mr. S. S. Rider has shown (*Hist. Tract. No. 4*, 2d Ser., pp. 21, 22) that the date 1639 is not upon the original deed, and upon this fact, with other considerations, bases an inference (discussed at Chapter XIV.) that the deed has been seriously tampered with. I am, however, inclined to think, with Mr. George T. Paine, that "the date was probably added by some one who knew the proper year to be 1639"; and that, "as it was on the copies held 'by the town or by some neighbors of the town,' it was thus entered upon the records."—*A Denial of the Charges of Forgery, etc.*, pp. 56, 57.

² Staples, in his *Annals of Prov.*, p. 27, states that the clause in question is in the handwriting of Thomas James. The following from William Harris's plea to the Court of Commissioners, November 17, 1677, would seem to confirm the statement: "And tho we do not need the last clause in our grant . . . yet for the reputation of right Credit of the case of the grantors grant, grantees, Witnesses, and Clark or Scribner (who was a Man of Learning and Wisdom One Mr. Thomas James, Once paster of the Church at Charlestown) I will therefore prove the said clause a good Grant."—*R. I. Hist. Soc. Pub.*, n. s., vol. i., p. 210. For Williams's denial of having inspired or draughted the clause, see *Narr. Club Pub.*, vol. vi., p. 390.

thither late in 1641 or early in 1642. The quiet of their existence in this retreat, however, was destined soon to be disturbed.

It was a period of rising fermentation both in Old England and in New. The questions agitated were chiefly religious, and the agitation was greatest among the humble classes. It was a time of Tom, Dick, and Harry turned preacher,—such as Barebone the leather seller of Fleet Street, Hobson the Buckinghamshire tailor, Kiffin the brewer's servant, and Oates the weaver. It was likewise a time of women preachers—prototypes and antitypes of Anne Hutchinson—as, for instance, Mrs. Attaway, to whom Baillie alludes as “the mistress of all the she-preachers of Coleman Street,” and Mrs. Chidley, the clear-headed Tolerationist and critic of the Massachusetts Puritans, but whom the Rev. Thomas Edwards spitefully characterizes as “a brazen-faced, audacious old woman.” And the things preached were no less remarkable than the preachers, to wit: by the sect called Familists,¹ that “all the resurrection and

¹ The Familists, or Family of Love, were a sixteenth century sect, founded by Henry Niklaes, of Münster, Westphalia. Niklaes (born January 8, or 10, 1501 or 1502) removed in early life to the Netherlands, and there, at Amsterdam, about 1540, assumed the *rôle* of a prophet and reformer. From the Netherlands the opinions of the new prophet spread to England, finding a lodgment in London and the eastern counties. Indeed, as early as 1552 Archbishop Cranmer makes mention of the Familists as “a new sect newly sprung up in Kent.” In 1575, the sect laid a confession of their faith before Parliament and prayed for a Toleration. So far from securing this they were denounced as secret promoters of immorality, and became in the minds of all a menace and a bugbear. Their morals in fact were quite above reproach, but, as late as 1638, had not outgrown an evil fame, for in

glory which Scripture promises is past already" ; by the sect called Chiliasts, that there is to be "a temporal kingdom of Christ that must begin presently and last one thousand years" ; by the Anti-Sabbatarians, that there is no obligatory Lord's Day or Sabbath ; and by the Soul-Sleepers or Mortalists, that "the present going of the Soule into Heaven or Hell is a meer fiction," that—

"The hell-hatched doctrine of th' immortal soul
Discovered, makes the hungry Furies howl
And teare their snakey haire, with grief appaled
To see their error-leading doctrine quailed,
Hell undermined, and Purgatory blown up in the air."

From the sects holding these doctrines, and from other sects, such as the Anabaptists and the Antinomians, there was at first a considerable filtration out of England into Massachusetts. But the frowning reception accorded to religious novelties by the Puritans was the means of diverting the stream of prophets and prophetesses, of inspired tanners and tailors and tapsters, so far as Massachusetts was concerned, and pouring it into Providence and Aquidneck. No sooner was the religious enthusiast (unconscious instrument of the time-spirit of Toleration¹) arrived in Boston or Salem, than he was made aware of two things : first, that there was less chance for him to practise his trade

that year John Cotton, in censuring Anne Hutchinson before the Boston Church, charged her with using arguments which the "Anabaptists and Familists bring to prove the lawfulness of the common use of all women."

¹ "All the sects, less or more, were Tolerationists ; the heresy of heresies in which they all agreed . . . was Liberty of Conscience."—Masson's *Milton*, vol. iii., p. 159.

of promoter of heresies there than in England; and second, that in the Narragansett settlements,—where they denied all churches, and were even said to deny all magistracy,—he might practise it with impunity. So thither he went, with the result that, according to Cotton Mather, there never was held such a variety of religions together on so small a spot of ground.

With the situation in Providence, in a religious respect, substantially as above set forth, Samuel Gorton (probably in March or April, 1641) came to the new plantation. In one place Gorton describes himself as "a citizen of London, clothier"; in another, as "a professor of the mysteries of Christ"; in still another, as "Samuel Gorton, De Primo"; and each description may be deemed fitting. Born in 1592 in the parish of Gorton, near the present city of Manchester, he was one of the army of irregular preachers — pioneers of Toleration, so to speak — who at this time, as we have seen, were beginning to set England in a turmoil.

He had landed in Boston, in March, 1637, during the prosecution of Wheelwright, and believing in "liberty of conscience in respect to faith towards God" had soon removed to Plymouth. From Plymouth he had been banished by an order of court, made December 4, 1638, for contempt toward the magistrates in defending his family servant, Ellen Aldridge, against the charge of "smiling in church" and making "some unworthy speeches and carriages"; and from Plymouth, "in snow up to the knee," he had betaken himself to Ports-

mouth on the island of Aquidneck. At Portsmouth, in the summer of 1640, he had again fallen into difficulty (the details of which will be noticed farther along), and had either been condemned to wear a chain upon his leg or to be whipped. It was with these questionable antecedents that he arrived in Providence; where, being arrived, he was refused admission even as an inhabitant. The feeling was that his course stood in need at least of explanation,—for apparently he had been a wanton disturber of the civil peace,—and in this feeling the reader will no doubt share.

Gorton's remarkable series of misadventures would seem fairly to be explicable in the light of three considerations: first, that he was by nature an agitator and vituperative, after the manner of agitators of his time,—particularly after the manner of the tanner, tailor, and tapster class of agitators, to which, despite some points of superiority, he essentially belonged; second, that he regarded himself as the founder of a new religious sect alone knowing Truth, and, after the manner of such founders, felt a good deal of honest contempt for those who were still in the outer darkness of ignorance; and third, that he was a staunch constitutionalist, utterly despising and repudiating the claims and pretensions of all governments that did not derive their authority from legitimate sources,—that is, in the case of the English colonies, from a royal patent¹; or that, possessing authority

¹ His contemptuous language to the Plymouth magistrates (in the course of which he had said, "If Satan . . . will accuse the brethren, let him come

legitimately derived, did not exercise it in accordance with the common law of England.

During his stay at Plymouth and Portsmouth, Gorton had evidently made converts to his new religion, for associated with him at the time of his condemnation were John Wickes, Randall Holden, Richard Carder, Sampson Shotton, and Robert Potter. These now came in his train to Providence, and here the society was quickly enlarged by the addition of John Warner, Richard Waterman, William Wodell, John Greene, Nicholas Power, and Francis Weston. Just what form of belief Gorton's religious society held, it is indeed difficult to say. Mr. Lewis G. Janes, in a late and interesting study of the question, argues that Samuel Gorton was "the premature John the Baptist of New England Transcendentalism,"—the spiritual father of Channing, Theodore Parker, and Ralph Waldo Emerson.¹ But it will be the conclusion,

down from Jehoshua's seat [the seat of judgment] and stand here [indicating the prosecutor's place]]," was provoked by the fact that the colony, in the case of Ellen Aldridge, his servant, was proceeding inquisitorially from the bench, and not accusatorially through some prosecutor, as was required under the English law. And at Portsmouth—where he undoubtedly bade the community defiance in a style truly Gortonian—the trouble was that to his mind those attempting to call him to account (being organized under no royal patent) were mere private persons, mere squatters upon the public domain, possessing no greater rights over him than he possessed over them.

In the latter contention, Gorton, it may be remarked, showed little comprehension of that English common law to which he so confidently appealed. "Englishmen," as Mr. Abner C. Goodell, Jr. has well said (*Proc. Mass. Hist. Soc.*, vol. v., p. 327), . . . "carry with them the common law wherever they go." Whence "it follows that people . . . situated as were the settlers of Providence and Portsmouth may lawfully constitute a proper forum for deciding disputes and for ascertaining guilt, and may appoint agents for executing judgment."

¹ Mr. Janes (Chapter VIII.) discovers in Gorton's writings—particularly

I am persuaded, of most of those who make any attempt to understand the Professor of the Mysteries of Christ, that, as already intimated, he probably derives his whole importance in American history from the simple fact that he was the most strenuous, the most irrepressible, of all the New England dissenters from Massachusetts Puritanism, — in other words, the most stentorian-voiced of all the New England heralds of Toleration. And in subserving this end, it of course mattered not whether his lucubrations in theology were comprehended, or comprehensible, even by himself.

Be that, however, as it may, Gorton on his advent to Providence found numerous sects, or rather fragments of sects, but none sufficiently well defined to invite attack, unless perhaps the Baptists and Seekers. Roger Williams, — probably in the spring of 1638, — had formed the Baptist Society,¹

in the Commentary on the Lord's Prayer preserved in manuscript in the Rhode Island Historical Society's Collection — the following fundamentals of belief: (1) The Infinite and Absolute is *per se* unknowable. (2) Christ, however, is the manifestation of the unknowable. (3) The death of Christ was merely symbolical — a single prerogative instance — of the death of the Son of God. (4) Man is called upon to seek communion with the divine in Christ directly, and not through church forms and observances. (5) The God-head is one, not three. (6) Immortality is, in the ordinary sense, figurative; righteousness is life eternal; sin is eternal death. Heaven is a condition of the soul; the soul is even now in eternity.

¹ The members of the society were in all probability the persons mentioned by Hugh Peters as having been excommunicated by the church at Salem, and as having with two exceptions been "rebaptized." These were Roger Williams and his wife, John Throckmorton and his wife, Thomas Olney and his wife, Stukeley Westcott and his wife, Mary Holliman, and widow Reeves (Letter of Hugh Peters, Hutchinson's *Mass.*, vol. i., p. 421). To the ten named by Peters, the Rev. Samuel Caldwell (*Anniversary Sermon*, 1889, pp. 37, 38) would add Ezekiel Holliman, Robert Scott and his wife, Chad Brown, Gregory Dexter, and William Wickenden. Indeed as

but in the meanwhile had himself become a Seeker.¹ He and Gorton, therefore, confronted each other at this time in the interesting and dual attitude of representatives of the time-spirit of Toleration, and of rival religious sects. But Gorton did not seriously assail the Baptists, or the Seekers, or Williams, in any way of theology. It was not necessary. He merely let it be known by a general fulmination or two that a new religion had come to town, and disciples flocked around him. Indeed in Providence a new religion (while it was new) was as welcome as in ancient days was a new philosophy in Athens. The result was that Roger Williams was speedily denuded of much of his following, — left standing practically alone, in fact, in the bleakness of his Seekerism; a situation by no means unprecedented in the career of the arch-separatist, but which he nevertheless did not like, declaring, anent Gorton, that he had in Christ's name withstood him; a situation, moreover, of which John Cotton was not slow to take advantage, taunting Williams with having been

regards the Scotts, it is the statement of Winthrop that it was by Mrs. Scott, who was Anne Hutchinson's sister, that Williams was "emboldened to make open profession of Anabaptism."

¹ Richard Scott thus describes Williams's conversion to Seekerism in a letter quoted in George Fox's *New England Fire Brand Quenched* (appendix). "I walked with him in the Baptist way about 3 or 4 months. . . . In which time he broke off from his society and declared at large the Ground and Reasons of it: That their Baptism could not be right because it was not administered by an apostle. After that he set upon a way of seeking (with two or three of them, that had deserted with him) by way of preaching and Praying; and there he continued a year or two, till two of the three left him." The connection of Williams with the Seekers will be considered at Chapter VI.

superseded with the rabble by "a more prodigious minter of exorbitant novelties" than himself.¹

While Gorton, guided by the instinct of the agitator looking for trouble, thus passed by the various Providence religious societies and individual religionists as unworthy more than casual attention, he pounced with avidity upon William Harris, Thomas Olney, and their co-proprietors of the Providence and Pawtuxet purchases.

It will be remembered that Williams, in his letter to Winthrop, written in 1636, spoke of certain "young men, single persons," who had been admitted "to freedom of inhabitation," but who were "discontented with their estate," and sought "the freedom of vote also, and equality." In the course of five years these same young men—the "second comers" to the plantation—together with the later recruits of their order, had become still more discontented. They had seen Harris and his associates each fitted out with his hundred acres from the Providence purchase, and each again with a large estate on the Pawtuxet, and they wanted something for themselves, the privilege of voting at least. They could not effectively

¹ It would seem that in discarding all theologies, and in becoming a humble seeker after truth,—in prostrating himself utterly

"Upon the great world's altar stairs
That slope thro' darkness,"—

Roger Williams came as near as his age would permit, in the case of a soul at once supremely honest and truly devout, to being an Agnostic. "It is interesting to know," says Mr. Edward Eggleston, "that Williams, the most romantic figure of the whole Puritan movement, at last found a sort of relief from the austere externalism and ceaseless dogmatism of his age by travelling the road of literalism until he had passed out on the other side into the region of devout and contented uncertainty."

dispute the naked right of the Harris-Olney party to keep them from sharing in the good things at hand, for they had all signed a stipulation subjecting themselves, in active or passive obedience, to this party. Gorton, however, was in no such predicament; he had signed nothing; had indeed not been permitted to sign anything. He was free, therefore, in the interest of the newcomers in general, to avail himself of the thesis (already propounded in the case of Portsmouth) that the whole Providence landed oligarchy, with its ridiculous system of government by arbitration, was nothing more nor less than a high-handed encroachment upon the public domain, and a usurpation upon the common law, both of which abuses he, as public functionary in ordinary, was called upon to redress.

An opportunity soon presented itself. Sometime in October or November, 1641, a board of arbitrators in Providence found a claim against Francis Weston (lately turned Gortonist), in the amount of fifteen pounds, which was to be satisfied in cash or by cattle and commodities. When, in default of any tender of satisfaction, the community sought, on November 15th, to attach a portion of Weston's cattle, Samuel Gorton, with divers of his company, assailed the representatives of law and order in the street, making "a tumultuous hubbub," in the course of which "some drops of blood were shed on either side."

In thus resisting the established powers at Providence, Gorton no doubt felt that he was serving the cause of abstract justice as involved in the

struggle between the landless and otherwise indigent non-voting freemen, and the landed and well-to-do voting proprietors; but he felt even more, perhaps, that he was at length clearly demonstrating that thesis which he had unhappily failed to demonstrate very clearly at Portsmouth, namely, that no mere squatter, or body of squatters, upon the public domain possessed any legal rights against any other squatter individual or body. And this feeling was well founded, for, so clearly was his thesis demonstrated in the case of Providence, that even his adversaries were convinced of its soundness, and, on the 17th of November, 1641, to the number of thirteen persons, including William Harris and Benedict Arnold (but not including Roger Williams), formally petitioned Massachusetts, out of "gentle courtesy, and for the preservation of humanity and mankind, . . . to lend a neighborlike helping hand" to ease the community of the burthen of Gorton.

But the wary and (in practical affairs) far-seeing Bay Government did not lend the aid desired. "We merely told [the petitioners]," says Winthrop, "that except they did subject themselves to some jurisdiction, either Plymouth or ours, we had no calling or warrant to interfere in their contentions."

The hint about "subjecting themselves to some jurisdiction," so shrewdly let fall by Massachusetts to the thirteen, soon bore fruit. In the autumn of 1642, four of the owners and inhabitants of Pawtuxet, William Arnold, Benedict Arnold his

son, William Carpenter his son-in-law, and Robert Cole, solemnly placed their persons and their lands under the protection of the Puritan Commonwealth.¹ The ostensible reason for this act was of course the disorder fomented at Providence by Gorton and his company; and that the ostensible reason was also the real one is made to seem probable by the circumstance that thirteen of the leading inhabitants had, a short time before, asked the Massachusetts Government to intervene in Providence affairs. But there are certain circumstances that would indicate that the real reason for the submission could hardly have been as alleged: for example, the circumstance that William Harris—who was the leader of the proprietors (those most concerned for the security of property in the plantation), and who had joined in the appeal of the thirteen, and who, moreover, lived at Pawtuxet—did not unite with the submissionists; and further, the circumstance (highly significant) that, as early as January, 1641, William Arnold, William Carpenter, and Robert Cole had re-purchased from Sacononoco, a local sachem, the very Pawtuxet lands which, coming to the submissionists and the other original proprietors through Canonicus and Roger Williams, were now as a whole—in so far as Sacononoco could give title to them—being placed under the jurisdiction of Massachusetts by the submissionists alone.²

¹ *R. I. Hist. Coll.*, vol. ii., p. 53.

² Paine's *A Denial of the Charges of Forgery*, p. 28.

But whatever doubt the reader may entertain that the disturbances created by the Gortonists were the underlying cause of the act of William Arnold and his coterie, Samuel Gorton entertained none. He had recently moved from Providence to Pawtuxet, and naturally thought that any act on the part of members of the proprietary class resident in the latter place which, like Arnold's, would contribute to his embarrassment, must be dictated by dread of him.¹ When, therefore, notice was received at the plantation from John Winthrop and Thomas Dudley, respectively Governor and Deputy Governor of Massachusetts, that the Arnold coterie, "their families, lands and estates," had been taken under the protection and government of the Puritans, and that any proceedings affecting them must be conducted in an orderly way, and before the Massachusetts courts, Gorton, responding to the challenge, drew his pen, assorted his vocabulary (always rich), and set to work to tell Massachusetts his mind. What his mind was, may be gathered

¹ The ground of Gorton's quarrel with the Pawtuxet settlers was evidently their assertion of the power, as proprietors of the whole region, to exclude persons from the privileges of the common lands. Thus Gorton says: "Whereas some of us had small parcels of land laid out to build houses upon and plant corn, and all the rest lay common and undivided, as the custom of the country for the most part is, they would not permit us any more land . . . unless we would keep upon that which they confess to be our proper right, and they would admit of no division but by the foot or by the inch, and then we could neither have room to set a house, but part of it would stand on their land, nor put a cow to grass but immediately her bounds were broken; and then presently must the one be pulled down and the other put into the pound to make satisfaction," etc. Acts of this sort, and by mere "squatters" besides, were more than Gorton possibly could endure.—*R. I. Hist. Coll.*, vol. ii., p. 52.

from the following extracts from his communication.

"November 20th, 1642, Whereas, we have received an irregular note, professing it is from the Massachusetts, with four men's names subscribed thereto (as principal authors of it) of the chief amongst you, we could not easily give credit unto the truth thereof; not only because the conveyers of it unto us are known to be men whose constant and professed acts are worse than the counterfeiting of men's hands, but also because we thought that men of your parts and profession would never have prostrated their wisdom to such an act." And again: "When Pilate offers Jesus to the people to be judged, they profess they have such a law that puts no man to death; they are all for mercy and forgiveness, when they are out of the judgment hall; but let Pilate enter in thither, then nothing but 'crucify him! crucify him!' be their accusation and witnesses never so false; even so in your dealings with men in your Jewish brotherhood, your law is all for mercy; to redress, to reform, and for the preservation both of soul and body; do but enter into the common hall, then, as Pilate asked, am I a Jew, so do ye . . . your power must have tribute paid unto it, so far as men's names to be branded with infamy, depriving women and children of things necessary, . . . so that the professed mercy and clemency of your law to exercise censures only for amendment of life, comes unto this issue, to send both soul and body to Sheoll forever, without redress and all hope of recovery."

The note from which the foregoing extracts are taken—a note covering twenty-five compact pages, as printed—having been duly despatched, Gorton and his company discounted its reflex effect by shortly afterwards (January, 1643) leaving "their lands, houses, and labors" at Pawtuxet (a spot now under the iron hand of the Puritans, locally made manifest in the person of William Arnold as

justice of the peace), and removing twelve miles to the southward to a place called Shawomet (Warwick), which they had purchased from Miantonomi, and which was clearly beyond any bounds over which upon any pretext Massachusetts could, either in law or conscience, claim jurisdiction.

The removal in question marks the end of the case of Gorton and the proprietors of Providence and Pawtuxet, in so far as it calls for attention at this point.

What befell the Professor of the Mysteries of Christ and his adherents in their retreat at Shawomet will be told in the chapter entitled "The Harrying of the Gortonists."

II.—THE ISLAND: PORTSMOUTH—NEWPORT

But, meanwhile, what concerning the settlers of Aquidneck? When we last saw them, which was at Providence on the 24th of March, 1638, they, to the number of nineteen persons¹ (twelve of whom were members of the Boston Church), had just signed a compact of government, and received, in the name of William Coddington, a deed from

¹ William Coddington, John Clarke, William Hutchinson, Jr., John Coggeshall, William Aspinwall, Samuel Wilbore, John Porter, John Sanford, Edward Hutchinson, Jr., Thomas Savage, William Dyer, William Freeborne, Phillip Shearman, John Walker, Richard Carder, William Baulston, Edward Hutchinson, Sr., Henry Bull, Randall Holden. All of the foregoing, excepting Coddington, Edward Hutchinson, Jr., and Holden, were named in the act disarming the Antinomians. Three returned to Massachusetts,—Edward Hutchinson, Jr., Edward Hutchinson, Sr., and William Aspinwall.

Canonicus and Miantonomi to Rhode Island. The compact signed was the following :

"We, whose names are underwritten, do here solemnly in the presence of Jehovah, incorporate ourselves into a Body Politick, and, as He shall help, will submit our persons, lives, and estates unto our Lord Jesus Christ, the King of Kings and Lord of Lords, and to all those perfect and most absolute laws of His, given us in His holy word of truth, to be guided and judged thereby."

Having put their hands to the compact, the Aquidneck settlers while still at Providence proceeded to effect a governmental organization.

They elected William Coddington chief magistrate under the designation of Judge, covenanting "to yield all due honor unto him, according to the laws of God"; he in turn covenanting "to do justice and judgment impartially" according to the same laws. They also elected William Aspinwall secretary, and William Dyer clerk. About the 1st of April the entire company, armed with their written constitution and their title-deed from the sachems, took possession of the north shore of Aquidneck, or Rhode Island, at a spot (Pocasset) where a quiet cove commanded an outlook upon the beautiful bay of Mount Hope, and, having compounded with the sachem and Indians in immediate occupancy for five fathoms of white beads, ten coats, and twenty hoes, began their plantation.

The government by single magistrate, or Judge, lasted about nine months, during which period necessary laws or ordinances were passed by the body politic in town meeting. A fundamental

rule was that "none should be received as inhabitants or Freemen, to build or plant upon the Island, but such as should be received in by the consent of the Body." On January 2, 1639, the constitution was modified by the adoption of a provision for three Elders who were to be associated with the Judge in administering public affairs. It was to be the duty of the Elders to assist "in the execution of justice and judgment," in "the regulating and ordering of all offences and offenders," and in "the drawing up and determining of such rules and laws as [should] be according to God, which conduce to the good and welfare of the commonwealth." The Judge, together with the Elders, "[should] rule and govern according to the general rule of the word of God," but "when they [had] no particular rule from God's word," by the specific direction of the body politic. Moreover, there were to be quarterly meetings of the body politic, at which "all cases, actions and rules, which [had] passed through [the] hands [of the Judge and Elders]," were "to be scanned and weighed by the word of Christ." And "if by the Body, or any of them, the Lord [should] be pleased to dispense light to the contrary of what by the Judge and Elders [had] been determined formerly, then and there it [should] be repealed as the act of the Body."¹

The provisions of the amended constitution of the Antinomian refugees who settled on Aquidneck bespeak plainly the stirrings of that individualistic and hence democratic spirit which was

¹ *R. I. Col. Rec.*, vol. i., pp. 63, 64.

implicit in Antinomianism, as — both in the case of Germany under Luther, and of New England under Cotton — the protest against "legalism" and formalism. First there had been (embodying the principle of order) the single magistrate — the autocratic Judge; now there was to be a division of authority between the Judge and Elders, and besides (which was a long step toward democracy) a power of absolute veto on the part of the freemen, a power which might be exercised four times a year.

But what is perhaps even more striking than the democratic spirit implicit in the new commonwealth, is the tough, Jewish, theocratic husk, or exterior, in which the kernel of democracy lay latent. Externally, indeed, the new commonwealth was a Theocracy of the most absolute type. There was not only the Bible as the source of law, but care had been taken to emphasize the point that it was the Bible of Moses and Joshua, rather than (as might have been expected from the advocates of a covenant of grace) the Bible of Christ and the Apostle Paul, by designating the chief magistrate Judge, and by associating with him a Sanhedrim of Elders in imitation of the Commonwealth of Israel.¹ This, had the form of government remained un-

¹ The Hebrew Commonwealth embraced the period from the Exodus to Saul. During this time the rulers were Moses, Joshua, and the Judges. The latter were "protectors of the law and defenders of religion." They "summoned the senatorial and popular assemblies, proposed subjects for their deliberation, presided in their councils, and executed their resolutions." They were "without pomp of followers or equipage," and their compensation was gratuitous merely. Elders — the basis of the Sanhedrim — were chosen by Moses, the founder of the commonwealth.—Oscar S. Straus, *Origin of Republican Form of Government*, pp. 101-117.

modified for any considerable time,—unmodified, that is, by giving the freemen a negative in some form upon the acts of the Judge and Elders,—would have indicated that the Antinomians, victims of persecution in Massachusetts were, when setting up a form of polity for themselves on Aquidneck, as hopelessly inconsistent and reactionary as had been the Puritans, victims of persecution in England, when setting up a form of polity in America. Such a negative on the part of the freemen, however, being granted, it was not long ere the real democracy of the Antinomians found vent, and this so freely that the theocratic husk environing it was rent asunder and destroyed.

But the course of our narrative again brings before us Mistress Anne Hutchinson. Having been banished from Massachusetts by the civil power, it was now her fate, pending her actual removal, which the court had deferred, to be dealt with by the Boston Church. Her civil condemnation had taken place November 8, 1637, and by March 15, 1638,—just one week after her husband, William Hutchinson, had signed the compact of government for Aquidneck,—the church was ready to proceed. Mistress Hutchinson presented herself at the close of the regular service on Lecture day, and thereupon the Rev. John Wilson delivered a short exordium as follows :

“We have herd this day very sweetly that we are to cast downe all our Crownes at the feete of Christ Jesus : Soe let every one be content to deny all Relations of Father, Mother,

Sister, Brother, Friend, Enemy, & to cast downe all our Crownes ; & whatsoever Judgment or Opinion that is taken up may be cast downe at the feete of Christ ; & let all be carried by the rules of God's word & tried by that Rule ; and if there be any Error, let no one Rejoyce."

The church members were then asked to sit together, so that they might be distinguished from the rest of the congregation, and one of the presiding elders, Mr. Leverett, said : " Sister Hutchinson, here is divers opinions layd to your charge, . . . & I must request you, in the name of the Church, to declare whether you hold them or renounce them, as they be read to you."

The temptation is strong to relate the church trial of Anne Hutchinson in Boston, occupying, as it did, not only the 15th, but also the 22d of March, with something of the detail employed in relating the civil trial at Cambridge ; but the later trial has not the same pertinence to our theme as had the earlier, and the temptation will be resisted. Suffice it to say that before the church she maintained the two prime heresies, that " the souls of men are mortal by generation, but are afterwards made immortal by Christ's purchase," and that " there is no resurrection of [the mortal body], but that those who are united to Christ will have new bodies." Upon the second of these heresies (she having confessed to error in the first), she was adjudged subject to admonition by the vote of the entire church, — her two sons only excepted. One of her sons openly protested against admonition, saying that his mother " not being accused for any haynows

fact, but only for opinion, he could not consent that the church should proceed yet to admonish her for this." Thereupon the sons were included in the admonition meted to the mother, the Rev. John Cotton calling upon them to consider how, "by your pleadings for her & hinderinge the proceedings of the church against her, you have proved Vipers to Eate through the very Bowells of your Mother to her Ruine."¹ During the administration of the admonition Anne Hutchinson interrupted Cotton with the remark that she had held none of the opinions for which she was now censured before or during her civil trial. This was flatly contradicted by the ministers; wherefore she was declared to have told a lie, was cast out of the church, proclaimed excommunicate, and delivered up to Satan.

It was of course expected that, as excommunicate and under the ban, the culprit would be deeply dejected, but such did not prove to be the case. The Rev. Thomas Welde records with evident chagrin that "since the sentence of excommunication . . . she is not affected with any remorse but glories in it, and fears not the vengeance of God which she lies under, as if God did work contrary to his own word, and loosed from heaven what his church had bound upon earth."

Although cheerful, Mistress Hutchinson was now an outcast alike from the secular and religious fellowship of Massachusetts, and on the 28th of March,

¹ Robert Keayne's Report, printed in *Antinomianism in the Col. of Mass. Bay* (Prince Soc.), p. 285.

1638, shook the dust of that commonwealth from her feet forever. She went first to Mount Wollaston, where her husband owned a farm, and then by the overland route to Aquidneck. As has already been incidentally remarked, twelve members of the Boston Church were among the nineteen signers of the compact of government for Aquidneck, so that when the frail exile reached Pocasset (Portsmouth) she found herself with friends. Indeed, Winthrop notes it as a providence of God that the twelve were not present in Boston when Anne Hutchinson was before the church; for if they had been, he felt it to be doubtful whether the vote of excommunication ever would have been passed. During the summer and autumn of 1638, there was a considerable emigration of Antinomians and heretics in general from the uncongenial air of Massachusetts, for it is stated by Winthrop at this time that "many of Boston, and others who were of Mistress Hutchinson's judgment and party, removed to the Isle of Aquidneck; and others, who were of the rigid separation and savored Anabaptism, removed to Providence."

This exodus, so far as Aquidneck was concerned, no doubt tended to the democratization of the theocratic autocracy which had been established under Coddington, and it, furthermore, somewhat alarmed Massachusetts. In December, John Cotton preached a doleful sermon upon the heresies which were rampant, suggesting in such cases, first, a reference to the church, and afterwards, if necessary, action by the civil power; but even then fine or imprisonment rather than banishment. This drew

a response from Anne Hutchinson, who, evidently deeming the occasion ripe for the application of the maxim, *sartor resartus*, or the tailor tailored, sent to the Boston Church a formal admonition. The message was declined, but it contributed to stir up the church to look after its erring members in their new abode, as presently will be seen. Mistress Hutchinson's message would indicate that she was still actively interested in religious matters; and indeed Winthrop notes, soon after her arrival at the Island, that she was "exercising publicly." He also notes at this time, and again early in 1639, that excommunicated persons were both entertained at Aquidneck and received as communicants, so that "in a disorderly way" a church had been gathered.

These notations, taken in connection with a notation by the same hand in 1638, to the effect that "one Nicholas Easton, a tanner and associate of Anne Hutchinson, was teaching at Aquidneck that every of the elect had the Holy Ghost and also the devil indwelling," and that "one Herne" was teaching there "that women had no souls," serve to emphasize the fact that the individualistic or democratic element (so strong at Providence), and which in new communities is so uniformly found allied with manual occupations and religious vagaries, was being rapidly augmented on the Island to the peril of the Coddington theocratic autocracy.

Moreover, while Winthrop was sadly shaking his head over the strange doctrines of Easton the tanner, and of "one Herne" of unnamed occupation, the democratic element in Pocasset had made

a powerful acquisition. Samuel Gorton was arrived from Plymouth, fresh from his scoring of that jurisdiction for its disregard of the common law, and ready, as soon as he should recover breath, to fix the stigma of his contempt upon Coddington as a government without a country. In other words, the disintegrating influence of Anne Hutchinson and the Antinomians was now re-enforced by the more highly disintegrating influence of the clothier and Professor of the Mysteries of Christ. It is with little surprise, therefore, that we learn that, on April 28, 1639, the entire Coddington government, consisting of the Judge himself, the three Elders, Nicholas Easton, John Coggeshall, and William Brenton, and the clerk, William Dyer, together with John Clarke, Jeremy Clarke, Thomas Hazard, and Henry Bull, as lay supporters, withdrew from the fellowship of Pocasset, and signed a compact "to propagate a Plantation in the midst of the Island or elsewhere"; "engaging to bear equal charges, answerable to [their] strength and estates, in common"; "[their] determination [to be] by major voice of Judge and Elders, the Judge to have a double voice."¹

As will at once be recognized, the above-named seceders were the very pith and marrow — in every respect save that of fanatical enthusiasm — of the Aquidneck settlement. They were with slight exception men alike of property, experience, and equipoise; and it seems but reasonable to presume that their course in separating from their brethren was

¹ *R. I. Col. Rec.*, vol. i., p. 87.

dictated by the natural incompatibility at Pocasset between a growing radicalism and their own conservatism. It is Winthrop's remark that "at Aquiday the people grew very tumultuous and put out Mr. Coddington and the other three magistrates." Without going this far, we may, I think, properly conclude that the case was one where, as between ministry and opposition, the ministry, upon defeat before the country, instead of resigning took the novel step of withdrawing and setting up for themselves in the wilderness. Something of a parallel may be found in Roger Williams's projected retirement, at a later date, to "Little Patience."

The Coddington government having withdrawn, and, moreover, having taken the official records with them, it became necessary for those left at Pocasset—a decided majority of the whole—to attack the problem of civil order *de novo*. Accordingly, on April 30th, to the number of thirty-one persons, they signed a compact wherein they acknowledged themselves "the legal subjects of his majesty King Charles," and in his name bound themselves "into a Civil Body Politic, unto his laws according to matters of justice." They also on the same date covenanted to be governed (according to the major voice) "by the ruler or Judge amongst [them] in all transactions for the space of one year, he behaving himself according to the same." William Hutchinson was then chosen Judge or chief magistrate, and with him were associated eight Assistants; both the Judge and Assistants had been signers of the original compact of March

7, 1638, but (somewhat singularly) the Judge alone was a signer of the new compact. Finally it was enacted that the Assistants should have jurisdiction in cases involving not more than £40 but that regular quarterly courts should be held, with a jury of twelve men, "to do right betwixt man and man." "This," remarks Judge George A. Brayton, "was the earliest provision for regular courts for the trial of causes made in [Rhode Island]."

In the foregoing steps taken by the people of Pocasset may be found clear grounds for the inference that the secession of the Coddington government was caused by the growth of democratic sentiment in the community; for, within two days from the date of the secession, those remaining had completely revolutionized the State. They had substituted the laws of the realm for the laws of Moses, had limited the official term of the chief magistrate (henceforth an Israelitish Judge only in name) to one year, and had established trial by jury. In their choice of Judge, too, they had recognized advanced opinions by uniting upon the man who had the distinction of being the husband of Anne Hutchinson. But what is perhaps the most significant fact of all is one not mentioned above, namely, that they had received into fellowship Samuel Gorton and three of those who, later on, were to be his faithful disciples,—John Wickes, Sampson Shotton, and Robert Potter. Of the thirty-one signers of the compact at Pocasset, fifteen (nearly one half) were unable to write their names,—a further indication of tendencies the reverse of aris-

tocratic; but it is worthy of remark that in the fifteen thus invidiously distinguished, Wickes, Shotton, and Potter are not to be included.

Meanwhile the Coddington party, with Nicholas Easton as pioneer, were prospecting along the southern shore of Aquidneck. There is something fairly Arcadian—something suggestive of early Greek tribal migrations—in such removals as this of Coddington's. It was not of the proportions of the migration of Hooker to Connecticut in the summer following the banishment of Roger Williams, when, attended by their families and followed by their herds, the settlers made their way through grassy and flowering solitudes to the site of Hartford, but small as it was, it could not have been without its charm. The party no doubt proceeded on calm, warm days, and by shallop (for it was May), keeping near the shore, and amusing themselves with studying the reflections in the water and the bursting buds and foliage that lined their course. As early as May 1st, Easton records in his *Diary*¹ that he, with his two sons Peter and John, passed the preceding night at a place which they named Coaster's Harbor, and that the same day they came to the site of Newport. Between May 1st and 16th, the whole microscopic colony had arrived, and had erected huts for shelter. Easton's hut was the first built, and stood on the east side of what is now Farewell

¹ The *Diary* consisted merely of a few jottings made in a copy of the first edition of Morton's *New England's Memorial*.

Street, a little to the west of the site of the Friends' meeting-house. On the 16th the first town meeting of the settlers was held, and the location of the settlement definitely fixed "by the seaside southward"; but not without hesitation, in view of the formidable swamp which existed along the course of the present Thames Street. The name Newport was then chosen,¹ and the line of division between Newport and Pocasset drawn at a distance five miles north and east from the former town.²

The winter of 1639-40 at Newport was a memorable one. It was made so by the circumstance that the food supply (aside from game and fish, which fortunately were to be obtained) diminished to such a point that an enumeration of the inhabitants was taken as a basis for a division of the store of corn. This revealed the fact—interesting to us now, as well as to the Newporters then—that the number of those among whom the corn supply (108 bushels) must be divided was ninety-six. Lechford—the English lawyer who passed nearly four years in Massachusetts (1637-41) and who visited both Providence and Aquidneck—computes the population of the entire Island in this or the following year at some two hundred families. It is probable that two hundred persons would have

¹ Probably after Newport, Isle of Wight.

² On September 14, 1640, the course of this line was indicated as follows: "To begin half a mile beyond the River commonlie called Sachuis River being the River that lies next beyond Mr. Brenton's Land on the South East side of the Island towards Portsmouth, and so on in a straight line to run to the nearest part of the Brook to the hunting Wigwamm now standing in the highway between the two Towns, and so by that line to the sea on the North side of the Island."—*R. I. Col. Rec.*, vol. i., pp. 108, 109.

been a more correct computation, and that at the same date the population of Providence was little more than half as great.

But during this same winter, while at Newport famine was with difficulty kept at arm's length, Portsmouth was stirred by a committee from Boston. Anne Hutchinson's letter of admonition to the Boston Church had at length borne fruit, and three estimable gentlemen from that communion — persons "of a lovely and winning spirit," the Rev. Thomas Welde calls them,—in other words, Captain Edward Gibbons, Mr. William Hibbins, and Mr. John Oliver—were sent to look after the wandering sheep. They bore, says Winthrop, letters to "Mr. Coddington and the rest of our members of Aquiday, to understand their judgments in divers points of religion, . . . and to require them to give account to the Church of their unwarrantable practice in communicating with excommunicated persons." Reaching their destination about February 28, 1640, after a series of small providences and mishaps all duly noted, the committee asked for a meeting at which to present their letters, but this was refused on the ground that one (Congregational) church had no power over another. The refractory members, or ex-members, of the Boston communion were then each privately waited upon by the committee, but with scant result. Mr. Hutchinson said very plainly that "he was more nearly tied to his wife than to the church, and that he thought her to be

a dear saint and servant of God,"—an utterance somewhat noteworthy as, so far as known, the only one in his wife's behalf put forth by Mr. Hutchinson during the whole course of her persecution. If so, Winthrop's recorded estimate of the man, as "of weak parts," must be admitted to be highly discriminating.

As for Mistress Hutchinson herself, she met the committee with much of her old-time spirit.

"We came then," says John Oliver in his version of what occurred, "to Mistress Hutchinson, and told her that we had a message to do to her from our church. She answered, 'There are lords many and gods many, but I acknowledge but one Lord. Which Lord do you mean?' We answered, 'We came in the name of but one Lord and that is God.' 'Then,' saith she, 'so far we agree, and where we do agree, let it be set down.' Then we told her. 'We had a message to her from the church of Christ in Boston.' She replied, 'She knew no church but one.' We told her, 'In Scripture the Holy Ghost calls them churches.' She said, 'Christ had but one spouse.' We told her, 'He had in some sort as many spouses as saints.' But for our church she would not acknowledge it any church of Christ."¹

It is clear from the above, as also from an entry by Winthrop in his *Journal*, dated March 24, 1640, that there was, at the time of the committee's visit to Portsmouth, a church—an irregular Congregational church, so to speak—in existence there.²

¹ Robert Keayne's Report, *Antinomianism in the Col. of Mass. Bay* (Prince Soc.), p. 398.

² Keayne's Report (p. 398) distinctly alludes to a church at Portsmouth and also (p. 401) to one at Newport. Lechford in his *Plaine Dealing* denies the existence of a church at Portsmouth, but says that there was one at Newport. Lechford, however, probably visited Rhode Island after

As between Portsmouth and Providence — in respect to church affairs — the fact is also clear. The latter community, although filled with religious sects, was not itself essentially religious. The prime object of its inhabitants was to put money in their purse, — in other words to get land, — and, to this end, to be as free from surveillance, whether ecclesiastical or civil, as possible. It was, as we have seen, only Roger Williams and a few others that by the year 1638 had organized a church. This society, established by a man of Baptist proclivities, and in the midst of a community made up of elements more fitly to be characterized as Baptist, or Anabaptist, than anything else, was naturally of the Baptist order. Portsmouth, on the contrary, was a settlement where religion was a prime factor with all, and from the start. Both the Coddington and Hutchinson parties were actuated by it, and, as is evident from the replies made to the Boston committee by the Portsmouth people in March, 1640, these people, even after the secession of the theocratic Coddington government, were yet Congregational. But while this is true, they — through their latitudinarianism — were fast drifting toward a Baptist, or at least Anabaptist, point of view.

Accordingly we are not surprised to find Winthrop confiding to his *Journal*, on June 21, 1641,

March, 1640. So far as known, there was no ordained clergyman at Newport until the coming of Robert Lenthall, in August, 1640.

The committee evidently visited both Portsmouth and Newport, for, while their report is very much muddled in its geography, Coddington states in a letter to Winthrop (May 22, 1640) that they were "courteously entertained at both plantations" (*Mass. Hist. Coll.*, 4th ser., vol. vi., p. 315).

that Mistress Hutchinson and those of Aquiday Island broached new heresies every year ; that now

"divers of them [had] turned professed Anabaptists, would not wear any arms, denied all magistracy among Christians and maintained that there were no churches since those founded by the Apostles and evangelists, nor could any be, nor any pastors ordained, nor seals administered by such, and that the church was to want these all the time she continued in the wilderness, as yet she was,"—

a series of statements confirmed by Robert Baillie's remark in his *Dissuasive*, that Roger Williams had told him that Mistress Hutchinson, after her husband had been chosen to office in Rhode Island, persuaded him to lay it down, upon the opinion, which newly she had taken up, of the unlawfulness of magistracy.¹

Anabaptism, then, on the Island — and the formation there of any Baptist church—may confidently be ascribed to a time not only subsequent to the visit of the Boston committee, but subsequent to the formation of the Baptist church in Providence by Roger Williams.

Aside from the secession of the Coddington government, the most noteworthy occurrence on

¹ *Dissuasive from the Errors of the Time*, p. 150.

William Hutchinson accepted office as Assistant after yielding up that of Judge, wherefore it may be inferred that his wife's views as to the unlawfulness of magistracy were adopted after he had become an Assistant.

The Schleithem Confession of 1527 — the first definite Anabaptist pronouncement — forbids Christians to serve as magistrates. Hubmaier and Denck modify the rule about magistracy, by forbidding Christians to bear the magisterial sword *for persecution*.—Vedder's *History of the Baptists*, pp. 90, 106.

the island of Aquidneck, between 1639 and 1640, was the prompt drawing together again of the seceders and the original body. Neither were in fit condition to get on by themselves. The Theocrats were too nearly all government, and the Hutchinson-Gorton combination was too nearly all opposition. Healthful political life required their joint activity. Moreover, the title to the lands of Aquidneck was vested in a company, or corporation, some of whom resided at Portsmouth and some at Newport, and this formed an underlying bond of a very strong character.

Highly important steps toward a reunion of the towns were taken on the 25th of November, 1639. These were, first, a distinct acknowledgment by the Coddington party that they were "natural subjects of King Charles, their Sovereign Lord, and subject to his laws"; second, a stipulation "that all matters that concern the peace shall be by those that are officers of the peace transacted," and that "all actions of the case or debt shall . . . in such Courts as by order are here, and appointed, and by such Judges as are here deputed, be heard and legally determined"; and third, an order that formal propositions for reunion be exchanged with Pocasset, and "that Mr. Easton and Mr. John Clarke be desired to inform Mr. Vane by writing of the state of things here, and desire him to treat about the obtaining a Patent of the Island from his Majesty." As stated, the foregoing were steps highly important toward a reunion of the two Aquidneck communities, but they were more than that: they were

steps of the utmost consequence and significance toward confirming the people of Rhode Island (as it territorially was to be) in the Rhode Island idea, —the idea of separation of Church and State, and hence of Freedom of Conscience, first clearly announced this side the sea by Roger Williams,¹ the child of the time-spirit, and since emphasized by such more or less unwitting instruments as Anne Hutchinson and Samuel Gorton.

In other words, Coddington and his followers, by explicitly acknowledging King Charles and his laws, by taking action to secure a patent, and by seeking upon these grounds a reconciliation with Portsmouth, threw over once for all in Rhode Island the theocratic idea. Democracy, as represented by the Hutchinson-Gorton element, had triumphed over Theocracy; something, however, which neither of the democratic leaders perceived, for both opposed the reunion²: Mistress Hutch-

¹ In founding the colony of Maryland, it was the intention of Lord Baltimore that all Christians — Protestant and Catholic alike — should have Freedom of Conscience (see instructions to the colonists, *Calvert Papers*, vol. i., p. 132). But it was equally Lord Baltimore's intention that such freedom should be limited to those who were Christians.

As early as 1638, a proclamation was issued in Maryland against such as "cherish a faction in religion"; and on April 21, 1649, it was enacted that no persons "professing to believe in Jesus Christ" should "bee any waies troubled molested or discountenanced for or in respect of his or her religion, nor in the free exercise thereof within this Province." But how strictly the foregoing act was to be construed is shown in the supplementary act providing for the visitation of the penalty of death upon any who should deny or revile the doctrine of the Trinity, and for the visitation of other penalties upon such as should utter words of reproach against the Virgin Mary or the Evangelists, or who should desecrate the Sabbath.—J. H. U. *Studies*, 10, ser. iv.

² Letter of William Coddington to Governor Winthrop, December 9, 1639, *Mass. Hist. Coll.*, 4th ser., vol. vii., p. 279.

inson, perhaps, because she was human enough to wish to continue to be the wife of a chief magistrate; perhaps — and this is the more likely — because she distrusted Coddington; and Gorton, because the affair lacked equally the royal sanction and that of a majority of the freemen of both settlements.

Reunion, nevertheless, was destined to take place, and on March 12, 1639-40, representatives from the two ends of the Island (on what basis selected is not known, probably on that of land ownership; Samuel Gorton was not among them) met at Newport, and remodelled the original constitution. Provision was made for a chief magistrate to be styled Governor, for a second in office to be styled Deputy Governor, and for four ordinary magistrates to be styled Assistants. The titles Judge and Elder, with their high theocratic associations, were expressly abolished. It was furthermore provided that the Governor and two Assistants should always be chosen from one of the towns, and the Deputy Governor and the other two Assistants from the other. A change of the name Pocasset to Portsmouth was confirmed, and the following persons were elected to office under the new régime: Governor, William Coddington; Deputy Governor, William Brenton; Assistants, Nicholas Easton, John Coggeshall, William Hutchinson, and John Porter. Of these, the three from Portsmouth were Hutchinson, Porter, and Brenton. There were also elected two treasurers, Robert Jeffreys of Newport, and William Baulston of Portsmouth; a secretary, William

Dyer of Newport; two constables, Jeremy Clarke for Newport, and John Sanford for Portsmouth; and a sergeant for the Island, Henry Bull of Newport. The term for all the officers was fixed at one year, or until their successors should be installed. The Governor and Assistants were made justices of the peace, and a commission, consisting of five from Portsmouth and three from Newport, was appointed to assign lands, the titles to which were to be duly placed on record.¹ Thus the original government was again in the saddle—all who had held office at the time of the secession continuing still to hold it—but with colleagues, and upon conditions, both implied and express, which were well calculated to make those subject thereto wiser, if not sadder men.

Nor did the democratic idea, which had now gained the mastery, hesitate long fully and completely to avow itself. At the second General Court for the Island, held March 16 to 18, 1640-41, at Portsmouth, two fundamental declarations of polity were made,—declarations the acceptance

¹ *R. I. Col. Rec.*, vol. i., pp. 100-102.

As early as May 20, 1638, an order was made at Pocasset that six-acre lots should be assigned to the proprietors. On June 27, and November 5, 1638, it was ordered that newcomers must pay two shillings per acre for lands, and that house-lots thereafter assigned were to be three acres instead of six. A further land order (at Pocasset), of date July 5, 1639, was in conformity with the practice at Providence since 1637-38, and provided that "every man [owning] a house-lot should build upon the same within one year, or he should lose it." This on May 6, 1640 (after the reunion), was repealed. Meanwhile at Newport, on May 16, and June 5, 1639, it was ordered that lands should be laid out on the basis of four acres for each house-lot, the opinion at the same time being formally expressed that the Newport lands would reasonably accommodate about fifty families.

of which placed Portsmouth and Newport henceforth abreast of Providence, as exemplifications of democracy in its advanced phase of complete separation between Church and State. These declarations were: first,

"It is ordered and unanimously agreed upon, that the Government which this Bodie Politick doth attend unto in this Island and the Jurisdiction thereof, in favor of our Prince, is a Democracie or Popular Government; that is to say, It is in the Powre of the Body of Freemen, orderly assembled, or the major part of them, to make or constitute Just Lawes by which they will be regulated, and to depute from among themselves such Ministers as shall see them faithfully executed between Man and Man";

and second,

"It [is] further ordered by the authority of this present Courte, that none be accounted a delinquent for Doctrine: Provided it be not directly repugnant to the Government or Lawes established."¹

So fully committed, indeed, had the people of Aquidneck now become to the Roger Williams principle of Soul Liberty, that, at a meeting of the court held September 17, 1641, it was ordered, "that the law of the last Courte made concerning Libertie of Conscience in point of Doctrine is perpetuated."²

At the General Court of March 16, 1640-41, William Hutchinson was replaced as Assistant by William Baulston (very likely at his—Hutchinson's—own suggestion, and because of his wife's newly

¹ *R. I. Col. Rec.*, vol. i., pp. 112, 113.

² *Ibid.*, p. 118.

adopted views concerning magistracy, or office-holding, for Christians), and two important legislative measures were passed — one (thoroughly characteristic of the feeling at Aquidneck) respecting land; and the other respecting a State seal. The first measure was as follows:

"It is ordered Established and Decreed unanimously, that all mens' Properties in their lands of the Island and the Jurisdiction thereof, shall be such and soe free that neyther the State, nor any Person or Persons, shall intrude into it, molest him in itt, to deprive him of anything whatsoever that is, or shall be within that or any of the bounds thereof; and that this Tenure and Propriety of his therein shall be continued to him, or his, or to whomsoever he shall assign it, for Ever."¹

The measure regarding a seal was to the effect that this insignia of statehood should consist in "a sheafe of arrows bound up," with the device *Amor vincet omnia* "indented upon the Liess."

Among other enactments which up to this time had been made was one of date May 6, 1640, requiring "particular or magisterial Courts" (consisting of the local magistrates and a jury) to be held monthly in each town. These were limited in jurisdiction to cases not involving "life and limb"; and an appeal from them lay to the Court of Quarter Sessions (consisting of all the magistrates and a jury) which was to be held the first Tuesday in March, June, September, and December. There was also, on August 6, 1640, an act passed admitting Mr. Robert Lenthall (a clergyman)² to be

¹*R. J. Col. Rec.*, vol. i., p. 116.

² "There is Mr. Lenthall a minister out of office and employment and

a freeman; and by a vote of the town of Newport he was at once "called to keep a public school for the learning of youth." The provision for education, so early made at Newport, serves once more to emphasize the higher plane, in respect to caste and culture, occupied by the Island settlers as compared with the settlers of Providence, where no school existed until 1663. It serves also to emphasize a like superiority, on the part of the Newport Coddingtons and Clarkes, to the Portsmouth Hutchinsons, Gortons, Potters, and Shottons. But it may well be taken as compensative by the descendants of the latter, and of the Providence individualists, that it was the principles of their ancestors which, "obstinately persisted in," made Rhode Island Rhode Island.

Moreover, it is not altogether certain that even Newport at this juncture was a promising field for pedagogics, for before March, 1641-42, Mr. Lenthall had returned to England. It is possible that his departure was occasioned by theological differences, for Winthrop tells us that prior to the 21st of June, 1641, Nicholas Easton (the tanner aforementioned, albeit also Assistant under the Aquidneck Government) created such a disturbance in Newport religious circles (maintaining that, all things being by God, God must needs be the author of sin) that a schism was engendered,—Coddington and Coggeshall joining with Easton;

lives poorly. He stood upon his ministrie and against the church in the Bay."—From the MS. of Lechford's *Plaine Dealing* compared with the printed book.—*Mass. Hist. Coll.*, 3d ser., vols. iii. and iv., p. 403.

and Clarke, Harding, and Lenthall dissenting from, and publicly opposing him.¹

The feeling of the people of Aquidneck with regard to the Indians, by whom they were encompassed on every side, is evinced at this period in a treaty, a militia law, and a letter to Massachusetts. The letter is the well-known epistle indited on September 14, 1640, by the Governors of Hartford, New Haven, and Aquidneck, proposing (with perhaps an implied allusion to the case of the Pequods) that the Indians be not "rooted out as being of the accursed race of Ham," but that they be gained as far as possible by "justice and kindness," and to that end, that some mutual arrangement be made for watching over them and preventing the development among them of hostile designs. By way of reply, the General Court of Massachusetts instructed the Governor, Thomas Dudley (of posthumous poetical fame), to say that "the Courte doth assent to all the propositions layde down, but that the answer shall be directed to Mr. Eaton, Mr. Hopkins and Mr. Haynes, only excluding Mr. Coddington and Mr. Brenton, as men not to be capitulated withal by us, either for themselves or the people of the Island where they inhabit."²

Meantime the denizens of the interior of the Island were causing trouble. The coverts of vines and undergrowth sheltered, besides deer (worth, as

¹ This probably was the beginning of the movement that resulted in the conversion of Coddington to Quakerism.

² *Mass. Col. Rec.*, vol. i., p. 305.

venison, not less than twenty shillings the quarter), innumerable foxes and wolves, and these preyed upon the domestic animals of the settlers. Miantonomi was commissioned, through Roger Williams, to extirpate the pests in a grand hunt, but even after the hunt it was found necessary at intervals to "drive" the Island.

But more troublesome than either the Indians encompassing Aquidneck, or the foxes and wolves infesting it, was Puritan Massachusetts watching it ever with a jealous eye, and harassing it — in equal measure with Providence — as a nest of heretics, "not to be capitulated with." On September 19, 1642, therefore, it was deemed expedient — in view of the act of the Arnold coterie at Pawtuxet in comfortably ensconcing themselves beneath the protection of the Puritans — to pass a law forbidding the sale of Aquidneck lands to any outside jurisdiction or individual, on pain of forfeiture; and — in view of the virtual refusal of Massachusetts to permit the inhabitants of Providence and Aquidneck to make purchases in its markets — "to treat with the Governor of the Dutch to supply us with necessities, and to take of our commodities at such rates as may be suitable."¹

¹ *R. I. Col. Rec.*, vol. i., p. 126.

This movement toward friendly relations with the Dutch would seem to have had some political significance. Thus in a communication from New Netherlands to the home government, dated July 27, 1649, the following language is used: "In like manner those of Rhode Island when they were at variance with those of the Bay solicited leave to take shelter under the Dutch and to be subject to them; there are proofs and documents in abundance with the Secretary or Directors of the Company, of all these things" (*Docs. Relating to the Col. Hist. of N. Y.*, vol. i., p. 285). In this connection

Under the accumulation of provoking circumstances just enumerated, it is not to be wondered at that at this time (September 19, 1642) the Island government recurred to the subject of a royal patent — something which, by giving a legal status, would command for the Island a greater measure of respect, both from the Indians and from the chartered colonies established round about — and appointed a committee, consisting of their own members and of "Mr. Jeffreys, Mr. Harding, and Mr. John Clarke," to arrange for immediate and serious action.¹ The influence, however, which probably as much as, or more than, any other impelled in the direction of a charter was that of the example of Mr. Samuel Gorton, who by the time now reached had demonstrated at Providence his thesis that each individual squatter upon the public domain was purely a law unto himself. It is true that Gorton had failed to demonstrate this thesis at Portsmouth, but how unpleasantly near he had come to a demonstration, it is now incumbent upon us to ascertain.

As has already been stated, Gorton was not a participator in any of the proceedings which led to the reunion of Portsmouth and Newport under one government. On the contrary, he opposed all such proceedings; and not only so, but after the reunion had, on March 12, 1640, been effected, made no

interest attaches to the remark of Winthrop, made in 1644, that it would "be a great inconvenience to the English should they [of Rhode Island] be forced to seek protection from the Dutch" (*Journal*, ii., 211).

¹ *R. I. Col. Rec.*, vol. 1., p. 125.

application to be received as an inhabitant. In his opinion, the government had no authority legally derived, neither had it the choice of the people, but was set up by itself. "I know," he says, referring to the choice, "not any more that was present in their creation but a Clergie man who blessed them in their inauguration." Animated by this thought, the Professor of the Mysteries of Christ, who also by no means eschewed politics, carefully reserved himself against the day of provocation. This came in about six months (August, 1640).

"An ancient woman," says Edward Winslow in the *Hypocrisy Unmasked*, "having a cow going in the field where Samuel Gorton having some land, this woman fetching out her cow, Gorton's servant-maid fell violently upon the woman, beating and notoriously abusing her by tearing her haire about her, whereupon the old woman complaining to the Deputy Governor of the place, hee sendeth for the maid, and upon hearing the cause, bound her over to the Court."

It seemed to be the fate of Gorton, wherever he went, to incur trouble in defence of the family serving-maid. At Plymouth he had suffered on account of one (Ellen Aldridge), and here at Portsmouth he was to suffer on account of another. On the meeting of the court (which evidently was a meeting of the Quarter Sessions, for Coddington was present), Gorton appeared in the maid's stead (which was tolerated) and as her advocate. The testimony, according to Winslow, was all against the accused, whereupon Gorton fell to abusing the witnesses for the State, saying of one of them, a woman,—perhaps the daughter of the prosecutrix,

—that “she would not speak against her mother although she was damned where she stood,” and calling a freeman present, who resented this language, “a saucy boy and a Jack-an-Apes.” Winslow also states that when John Wickes, a witness for the accused, was called and required to be sworn, both he and Gorton “jeered and laughed and told the court they were skilled in Idols,” and that an oath was one,—a point which they urged until the court would hear no more; that when the court had summed up the testimony for the “jewry,” Gorton openly accused the former of “wresting the witnesses” and “perverting justice”; that while speaking, Gorton flung his arms about, touching the Deputy Governor (who was seated at a table with his back to the speaker) “with his handkerchief buttons about the ears,” upon which the latter said, “What, will you fall about my ears?” and Gorton answered, “I know not whether you have any ears or no; and if you have, I know not where they stand; but I will not touch them with a pair of tongs.”

After this outburst, Gorton, as Winslow has it, was ordered committed “upon his mutinous and seditious speeches,” but, aided by Wickes and Randall Holden,—evidently already his disciples,—“stopped the way with such insolency that the Governor was forced to rise from the Bench to helpe forward the Command with his person.” Lechford, in his *Plaine Dealing*, relates that Codrington called out, “You that are for the King, lay hold on Gorton!” and that Gorton retorted, “All

that are for the King, lay hold on Coddington." At all events, the issue of the comedy was that Wickes was put in the stocks, and Gorton chastised, probably at the whipping-post. The sufferings of the latter (according to Winslow) drew from "some of his faction" the remark, "Now Christ Jesus has suffered."

Gorton thus having been punished for his abusiveness, was, either late in 1640 or early in 1641, banished from Aquidneck. Whether the banishment was in pursuance of an indictment and trial, is not altogether certain. Coddington, it is true, in 1646 produced a paper which he gave to Winslow, and which he called "the sum of the presentment of the grand jury" against Gorton; but so far as appears he did not furnish anything to show that there had been a verdict or sentence under the indictment. It is possible that before the indictment was found Gorton had left the Island, for as late as December, 1641, John Wickes, then on the Mainland, was indicted for defamation of the Island and Governor,—an offence consisting probably in the things said and done by him at and in connection with the trial of Gorton's serving-maid, a year and a half preceding. Be that as it may, the influence of Gorton for disturbance was evidently felt to exist independently of his own immediate presence on Aquidneck, for, on March 16 or 17, 1642, Richard Carder, Randall Holden, Sampson Shotton, and Robert Potter (all Gortonists, and all then with their master at Providence) were disfranchised, and, together with John Wickes,

made subject to arrest should they come upon the Island armed. Moreover, in 1644 Coddington bore testimony, in a letter to Governor Winthrop, that all along there had been a party both at Portsmouth and Newport which thought that the Gorton element "gave strength."

The thesis of Gorton regarding squatter sovereignty, successful at Providence, had barely failed of success on Aquidneck; and by the autumn of 1642 it was indeed high time that steps be taken forever to set it at naught by securing a patent from the King or Parliament. As we have seen, the original intention had been to have John Clarke open negotiations by letter through Sir Henry Vane. But now a different plan was adopted: Roger Williams was selected as the intermediary, and operations were to be conducted upon English soil. It was in every way most fitting that Williams be commissioned for the task in view. To his position upon the principle of separation of Church and State, and hence of Freedom of Conscience, accepted in Providence from the start, Aquidneck had now fully advanced. Williams accordingly stood at the moment as the embodiment of the one idea in the complete recognition of which the Narragansett settlements were a unit. His selection as representative for the settlements, however, was not dictated by this consideration. It is not even known what, if anything, was done by the people of Providence toward authorizing Williams to represent them, along with the people of Aquid-

neck, in a joint application to the English Government. The whole matter must have been summarily arranged by the committee which, on September 19, 1642, was named by the Aquidneck General Court; and with them the moving cause in the selection of Williams was doubtless his known intimacy with Vane,—the man who, as Governor of Massachusetts, had sided with the Antinomians, and of whom the committee had since heard as witnessing against Strafford, as leading in the impeachment of Laud, and as Treasurer of the Navy.

It took the first foreign representative of Rhode Island some time to perfect arrangements for his trip to England. Joined to various minor embarrassments there was the grave difficulty that, as an exile from the Puritan Commonwealth, he was debarred from taking ship at Boston. To obviate this, he went to Manhattoes (now New York), where, finding "hot wars between the Dutch and the Indians"—wars made spectacularly terrible by the Dutch "bowries" in flames, and "the flights and hurries of men, women, and children, the present removal of all that could for Holland"—he attempted, it is said, to restore peace with such of the savages as inhabited Long Island. Thus by a striking coincidence he was present upon what was shortly to be the scene of the tragic end of his blind but powerful coadjutor in domesticating in America the time-spirit of Toleration—Anne Hutchinson.

William Hutchinson had died in 1642. Shortly afterwards his wife—fleeing the wrath of Massachusetts, which at the time (as will be related in

Chapter VII.) was seeking to subject as much of the heretical Narragansett country as possible to its jurisdiction—had removed to a point identified in Brodhead's *History of New York* as Annie's Hoeck, near East Chester. Here, in the summer of 1643,—some weeks after the coming of Williams to Manhattoes,—she and all her family save one daughter (sixteen persons) were murdered by the Indians, and her house and cattle burned.¹

Anne Hutchinson, ever since her banishment, had been a veritable *bête noire* to the Puritans. They, one and all, from the sagacious Winthrop to the narrow-minded Welde, regarded her thenceforth with a feeling of mingled horror and amazement. She had been pronounced anathema maranatha by the church, and the wonder to all was that as such she was not visited by God's lightnings, or in some other way equally summary and unmistakable made the example of supernatural vengeance. Welde, indeed, was disposed openly to take the Deity to task for permitting Mistress Hutchinson to live untortured even by remorse,

¹ The exact date of the murder has not been determined. Dr. George E. Ellis, in his *Life of Anne Hutchinson*, gives August 20th as the date, but upon what authority does not appear. The second letter of Gorton's company to the Massachusetts Government, bearing date September 15, 1643, alludes in a *postscript* to the event as of recent occurrence, stating: "We need not put a seal unto this our warrant. . . . The Lord hath added one to our hands in the very conclusion of it" (*R. I. Hist. Coll.*, vol. ii., p. 269).

The daughter spared by the Indians was Susannah Hutchinson. She was recovered from captivity by the Dutch, and, on December 30, 1651, was married to John Cole. She was the ancestress of Thomas Hutchinson, last Royal Governor of Massachusetts and the author of Hutchinson's *History of Massachusetts*.

for, as we have already seen, he lamented that in her case God should seemingly "work contrary to his word." Something, however, of what was expected by devout Puritans righteously to befall their victim, had befallen her soon after her removal to Aquidneck. She there,—by reason of association with one Hawkins, a midwife of St. Ives, "notorious," according to Winthrop, "for familiarity with the devill,"—was (also according to Winthrop) delivered of a monstrous birth, or, as Welde has it, thirty monstrous births, a number corresponding with that of the erroneous opinions for which she had been banished. But if the visitation of God's hand was visible in the monstrous birth, it was doubly visible in the murder perpetrated by the Indians. There now no longer could be any mistake. God had at last done his full duty by his church. In the words of Welde,

"I never heard that the Indians in those parts did ever before commit the like outrage upon any one family or families, and therefore God's hand is the more apparently seene herein, to pick out this woful woman to make her, and those belonging to her, an unheard of heaieve example of their cruelty above all others."

It was with, so to speak, a track of blood and fire in his good ship's wake that Roger Williams pursued his voyage to England.

CHAPTER V

EARLY RHODE ISLAND GOVERNMENT AS REVEALED IN THE LAND SYSTEMS OF PROVIDENCE AND AQUIDNECK

I N the course of the preceding chapter, references have incidentally been made to various land transfers, and to various orders and enactments respecting landholding at Providence and on Aquidneck. It will now be convenient to recapitulate these, and, adding some details, to ascertain how far they illustrate the interesting observation of Mr. J. Andrew Doyle, in his *English Colonies in America*, that "the New England Township was a landholder using its position for the corporate good, and watching jealously over the origin and extension of individual rights."

In the case of Providence, the points to be mentioned are the following: (1) The verbal transfer in 1636, by Canonicus and Miantonomi to Roger Williams, of the tract afterwards called the Providence purchase; (2) the formation, out of the few individuals collected at Providence within the first few months, of a "Towne fellowship" acting by

"mutual consent"; (3) the granting to various persons by this fellowship (between June, 1636, and March, 1636-37) of plots of "Ground"¹; (4) the formal recognition by the fellowship, on May 20, 1643, of the conditional character of these grants, in the order that "Matthew wesen shall have that hom share of ground which lieth etc., but if the said matthew wasen be absant from the towne above eighteen monthes, leving neither wife nor child heare, the afor saide land shall fall in to the townes hand again"²; (5) the execution, on March 24, 1637-38, by Canonicus and Miantonomi to Roger Williams, of a deed for the Providence purchase and for the tract afterwards called the Pawtuxet purchase; (6) the execution, on October 8, 1638, by Roger Williams to the twelve persons who, with himself, constituted at the time the "Towne fellowship" at Providence, and to such others as the major part of these should subsequently admit into that fellowship, of a deed to

¹ The *Providence Records*, vol. i., pp. 1-5, disclose the following: An order in 1637 for the collection from various grantees of two shillings each, "in consideration of Ground at present Granted unto them"; an order that certain grantees pay each the sum of "one shilling and six pence as Damage, in case they do not Improve their Ground . . . by preparing to fence, to plant, to build," etc.; an order that no landholder be permitted to "sell his field or his lot to [one merely] an Inhabitant, without consent of the Towne"; an order recognizing the existence of "common" timber land, and providing that "any timber felled by any person, lying on the ground above a yeare after the felling, shall be at the towne's disposing"; an order referring to the circumstance that at some prior date "Several portions of grasse and meadow" had been "Layd out in the Towne's name unto [certain persons], as their proper Right and Inheritance to them and theirs," and confirming certain later and similar dispositions of similar lands.

² *Prov. Rec.*, vol. ii., p. 2.

equal shares in both the Providence and Pawtuxet purchases.

Now what the above-mentioned points signify is this: that the town fellowship or community of Providence, soon after its formation, became an institution first controlling, and next both controlling and owning, land. So long as Roger Williams kept in himself the title to the Providence and Pawtuxet tracts, the fellowship was merely a board of trustees for the management of his private property according to his ultimate behest; but after the fellowship became possessed of equal shares in the property with Williams, it became a joint-stock land company capable of bidding defiance to its founder. The precise nature of the company's ownership is best expressed perhaps by the term "corporate." In other words, the title to all lands not granted to purchasers remained vested in the company as a single artificial entity, in it as a community.

As to the nature of the title to such lands as were granted to purchasers, it may be said that, in so far as the latter took tracts in severalty, the title was in freehold; and the most complete form of freehold, — "to them and theirs"; that is, heritable and not merely for life.¹ Such purchasers,

¹ The following may serve to make clearer the nature of freehold tenure in the New England settlements.

The corporation of Massachusetts Bay held its lands from the Crown in "free and common socage." This was the least burdensome of all tenures, involving only fealty and the rendering of some definite service, or the payment of some definite rental. In the case of Massachusetts, the *quid pro quo* was the payment into the royal exchequer of the one-fifth part of the gold and silver ore found upon the company's lands. The company itself

however, as were permitted to become members of the fellowship, took each not only a freehold estate in the one hundred acres or thereabouts that, as we have seen in the last chapter, it was customary to set apart to a proprietor in severalty, but took also such an interest in the as yet undistributed part of the company's lands as was implied in the fact of being members of the company; and this interest, I apprehend, was in strictness not that of a tenant in common, but rather that of a stockholder in a corporation; in this instance, a land corporation.

But, it may be asked, if the title to the lands held in severalty—the title to the five-acre house-lots, the six-acre arable fields, the shares of meadow, etc.—was in freehold, how came it that this title was subject to be forfeited upon breach of condition?—forfeited, that is, if the lands were not improved or occupied within a certain time; or if they were sold, without the town's consent, to one not an inhabitant? The answer is that the restrictions above stated did not change the essential nature of freehold title. At most, they merely so far modified the latter as to make it a determinable, instead of an absolute, estate.

exacted nothing from its own grantees, when the latter were adventurers in the common stock. It was, however, at first proposed (1629) to exact from colonists, who were not shareholders, the performance of "Services, . . . on certain days of the year," in recognition of the tenure (free socage) by which such colonists held from the company, but this plan was not carried into effect. Freehold in Massachusetts, therefore,—and the same was true throughout New England,—was, with the exception of the early restrictions upon alienation noted in the text, the equivalent of allodial ownership.—Egleston's *Land System of the New England Colonies*, pp. 14, 19; Weedon's *Economic and Social History of New England*, vol. i., p. 67.

In brief, then, the town or fellowship of Providence was practically, in its inception, an institution owning land as a communal body or corporation, in contradistinction to an association or partnership¹; and, furthermore, an institution that while granting lands in freehold to purchasers, granted a freehold which was determinable rather than absolute.²

It remains for us next to inquire regarding the outcome in government of the land system of Aquidneck.

¹ Instances do occur (*Prov. Rec.*, vol. ii., p. 15) in which the owners of stock in the Providence corporation sell their interest in the common lands instead of their stock as such, but the failure at times to discriminate between stock and land was not very material.

That the New England communities were essentially corporations, and not partnerships, is shown by the fact that the conveyances to settlers were invariably by the community in a corporate capacity, and through the duly elected community officers. Professor Andrews remarks (*J. H. U. Studies*, vii., viii., ix., p. 66), that in Connecticut, "By later acts of the General Court, the corporate nature of the proprietors was recognized. . . . This was merely legalizing custom." And it is the remark of Mr. Charles Francis Adams in his "Genesis of the Massachusetts Town" (*Mass. Hist. Soc. Proc.*, vol. vii., p. 196), that the inhabitants of the Massachusetts towns "were in the nature of stockholders in a modern corporation."

² There are instances which by themselves might lead to the conclusion reached by Mr. Rider in his *Hist. Tract No. 4* (2d Ser., pp. 11, 12), that the Providence land company did not make grants in freehold, but only for use and occupancy. Thus, at page 67 of vol. ii. of the *Records of Providence* there is an order, dated December 7, 1652, giving Richard Pray "liberty to sell his house and fencing to any man whom the Town shall approve of, to dispose the lot unto"; and at page 103, there is an order of date April 27, 1657, that "hen: Reddock shall have libertie to sell his Lot according to his Bill." But a turning of the pages of the volume makes it clear that the permission given to Pray and Reddock was merely an assertion in advance of the right of the community to guard against sales to outsiders,—a right usually enforced when the question of admitting the fact of a sale to record came before the town meeting. There are too many cases of conveyances to persons and their posterity, made both by the community and by individuals with the community's sanction, to negative the idea of "freehold" tenure.

Beginning with Portsmouth, the parent settlement, we note a series of evolutionary steps that corresponds closely with the Providence series. Thus, for the initial step, there is the formation on March 7, 1637-38, of the political society to occupy Aquidneck, and, on March 24th, the actual purchase of the Island; for a second step, the adoption on May 13, 1638, of the rule limiting inhabitants and freemen to such as the "Bodye" should admit; for a next step, the assignment, on May 20th, of house-lots, mostly six acres in extent, to the proprietors; for a further step, the order made in various forms between 1638 and 1639, that lands not improved within a twelvemonth should revert to the town, but that compensation should be made for labor expended toward improvements; and for a final step, the order of December 23, 1644, that "the right and privileges of the Lands undisposed of remains in the bodye of the freemen," that "the freemen which are the possessors have only power to dispose of the lande that is to be disposed of."¹

Here once more we have the political community which is also the close land corporation, the extensive corporate or community ownership, and the conditional transfers of specific tracts. But in 1639 Portsmouth in its orbit had thrown off Newport, and we look with interest to the latter community to see if there be there presented any modification of the land system of the original set-

¹ See *R. I. Col. Rec.*, vol. i., "Town of Portsmouth," for instances cited in above paragraph.

tlements. We find none, but perceive that the creation of Newport was clearly the cause of important modifications in the land system of Aquidneck,—that is, after Aquidneck came, in 1640, to consist of Newport added to Portsmouth.

The system in question now was no longer one in which the political community and land company were identical. Newport by coming into existence had converted the land company into two land companies¹—each charged, according to the New England method, with the management of its own local business—and at the same time had been the means of placing over each company a supervisory power consisting in the political community of the whole Island,—in other words, in the *personnel* of both land companies. Nor was the political community long restricted even to this *personnel*, for, at the meeting which effected the union of the settlements, it was ordered that henceforth any man should be admitted as a free-man “in eyther plantation” who should be found “meet for the service.” Indeed the promptness with which in 1640, and the years ensuing, Aquidneck proceeded to disencumber itself of those re-

¹As showing the method of division, the following is of interest. On September 14, 1640, it was ordered by the Aquidneck Government, that whereas 900 acres of land had, before the founding of Newport, been “layd forth unto Mr. William Hutchinson, Mr. Samuel Hutchinson, and Francis Hutchinson, on this side of the river called Sachuis River, next unto Nuport, [the same] shall be and is still granted to them and their posterity, . . . provided they hold it as from the Town of Nuport; . . . provided also, that if so be the said parties before mentioned shall refuse their, or any of their, accommodations before premised in that place, then the s'd Lande or Landes shall returne to the use and disposall of the said Town of Nuport.”—*R. I. Col. Rec.*, vol. i., pp. 100, 109.

straints which had characterized it during the period of its existence as essentially a land corporation — and which continued to characterize Providence down to 1718 — is remarkable. For example, on May 6, 1640, the order requiring lands to be improved within one year, under penalty of forfeiture, was repealed so far as it affected house-lots, and in 1641 that far-reaching declaratory act was passed — already quoted at length in these pages — that "all men's Proprieties in their Lands of the Island . . . shall be such and soe free that neyther the state nor any Person shall intrude into it; . . . and that this tenure and Propriety . . . shall be continued to him, or his; or to whomsoever he shall assign it for ever."¹

¹ On September 19, 1642, it was ordered "that the Freemen of the Towne in their Towne meetings shall appoint the Juries for the Courts, and that they shall have powre as well to appoint the Inhabitants, as Freemen, for that service, by virtue of the Tenure and grant of their Lands which is freehold."—*R. I. Col. Rec.*, vol. i., p. 124.

It is significant of Aquidneck liberalism in land matters that, on May 10, 1684, it was enacted by the General Assembly of Rhode Island, that "all and singular the lands lying . . . undivided and common within the precincts [of Portsmouth and Newport] shall be deemed and taken to be the property of every freeman of the said town, as such and their successors, freemen of the said town, for the time being. And that the freemen of the said town of Newport, have also liberty in their publick town meetings to grant and dispose of the said undivided lands, according to their usual custom."—*R. I. Col. Rec.*, vol. iii., p. 155. (Compare Chapter X.)

In fact the above statute was probably suggested by the case of Thomas Savage, which arose in 1680. Savage had been one of the original proprietors of Aquidneck, but had subsequently returned to Boston. In the meanwhile the lands of the Island, in so far as they remained undivided, had been allowed to become the property of all the freemen. This was not to the liking of Savage, and, on August 25, 1680, he presented to the Rhode Island Government a claim to a one-eighteenth part of these lands, as an original proprietor. The claim was rejected by the Island towns, and Savage then petitioned the King for a commission to try the matter, but a

It is probable that the Coddington element on the Island is to be credited with the liberal economic policy there so soon adopted, for the close communal features exhibited in the Providence land system, and in that of Portsmouth before the Coddington secession, were just those with which men of the mercantile spirit and training of Coddington and his associates would have scant sympathy. It is not overlooked that in this supposition there is something almost paradoxical, for it will be remembered that in a politico-religious respect it was the Coddington element that was inclined to be illiberal and reactionary. Still that element had in it enough of the leaven of Antinomianism to save it from downright bigotry, and as time passed it grew perceptibly in grace. Finally, *apropos* of the Aquidneck liberalism in land matters, it is perhaps significant that it was not until 1642, and then only in view of the action of the Arnold coterie in submitting their persons and their lands to the jurisdiction of Massachusetts, that the Island government followed that of Providence in prescribing that sales of lands should not be made to any outside jurisdiction or person.

The immediate outcome in government, then, of the land system of Aquidneck differed materially from that of the land system of Providence; for, hearing was never obtained. One can but remark the difference between the course pursued by Providence toward Verin, and that pursued by Aquidneck toward Savage. Providence was a close proprietary body, and, as late as 1675, recognized a claim by its long-absent member. Aquidneck had ceased to be a body closely proprietary, and in 1680 refused recognition to a technical proprietary claim.—Arnold's *Hist. R. I.*, vol I., p. 462.

while the Providence system exemplified the narrowness resulting from the unifying of the political with the proprietary community,¹ the system of Aquidneck exemplified the liberalism intro-

¹ That control of the town lands which the Providence proprietors so long and successfully kept is revealed in a succession of acts and orders of which the following are examples: On May 14, 1660, the "seven mile line" (mentioned in Chapter XIV.) was run—a line marking approximately the limit of settlement on the west (*Prov. Rec.*, vol. ii., p. 129). On January 27, 1663, the number of proprietors having reached 101, it was decided to admit no others (*Prov. Rec.*, vol. iii., pp. 48, 49). On March 7, 1661, the lands lying without the seven-mile line were ordered divided, the "25 acre men" to receive each one-fourth purchase right (*Ibid.*, pp. 18, 20). On February 12, 1665, a distribution of shares by lot was ordered, Roger Williams being given third choice (*Ibid.*, p. 69). Previous to this, however (April 27, 1664), an order had been made establishing a line "three miles from the said [seven-mile] line eastwardly," and the allotment was now to be of lands lying between these lines as well as of lands lying "without" the seven-mile line. At the drawing, Williams, individualistic as ever, objected to the "prophaning of God's worship by casting lots," and held aloof. No further allotment was made until the spring of 1675, at which time (April 12) Joshua Verin—long non-resident, and a forfeiture of whose proprietary interest had nearly been declared—was recognized in the allotment.

In 1684, lots were drawn for shares west of the seven-mile line, and this time Roger Williams participated, having second choice. Subsequently, other allotments were made, and as late as 1704 and 1705 the proprietors demonstrated their exclusiveness and their power by refusing facilities for the maintenance of an establishment for the supply of naval stores, and by denying lands to aspirants for residence and citizenship. In 1718, connection between the proprietors, or land company, and the other freemen was severed,—the former now opening books of their own, and choosing their own clerk. They nevertheless, between 1724 and 1753, were still potent. In the earlier year they divided among themselves virtually all the common lands then remaining, and this despite their own solemn resolve in 1685, that "it is necessary for some lands perpetually to be & lie in common, near unto our Town, for the use and benefit of the inhabitants"; while a little later (1744) they, as disclosed by their records (*City Hall Papers*, No. 9968), negotiated vigorously with the Providence Town Council regarding such of their holdings as "the warehouse lots" and "thatch beds." Meetings were held in 1815 and 1823 and again in 1832, but none after the year last mentioned. Consult Dorr's "Proprietors of Providence," *R. I. Hist. Coll.*, vol. ix., and Staples's *Annals*.

duced by the subordinating of the latter community to the former. In a word, the landholding New England Township, spoken of by Mr. Doyle, tended in the case of Providence (by reason of the distrust of delegated power there prevalent) to foster that political individualism to which, in the case of Aquidneck and of New England in general, it was opposed.

NOTE.—It is the teaching of certain writers that the communal land systems of New England were a revival of the Germanic Mark. It, however, is open to question whether any such institution as the Mark of von Maurer and others ever existed even in Teutonic lands. There of course was no conscious imitation of any such institution by the settlers of New England when forming towns. The most that can with safety be said is that all peoples have in the course of their development passed through the clan stage—a stage characterized by a certain communism—and that traces of this perhaps survive. The effect of the clan life of the early Anglo-Saxons, therefore, may be detected in some features of the New England town, although it seems an even more tenable hypothesis that what the town reveals in its leading features is simply human arrangements as dictated by wilderness conditions.

In this connection it may not be inappropriate to observe that a somewhat striking approximation to the Germanic Mark was made by the Swiss canton of Appenzell Inner-Rhoden. The organization of this canton prior to 1513 was tribal: the tribes (Allemanic Rhoden) existed upon the basis of kinship, and possessed severally or in connection a variety of communal estates (I. B. Richman's *Appenzell*, 1895). See Chapter X. of the text for some account of Appenzell in comparison with Rhode Island.

Toleration for Freedom of Conscience in
Rhode Island Conceded by the English
Government, and Massachusetts
Defeated in its Attempt to Ex-
tinguish Rhode Island
Heresy

4



CHAPTER VI

ROGER WILLIAMS IN ENGLAND—THE PATENT OF 1644 AND DEATH OF MIANTONOMI

WE now recur to the English trip of Roger Williams. This lasted about fifteen months—from June, 1643, to September, 1644—a period marked in both New and Old England by events of the highest interest and importance.

On May 19, 1643,—the eve of Williams's departure,—the New England Confederation was formed. This consisted of the colonies of Massachusetts, Plymouth, Connecticut, and New Haven, and in general terms had for its object the common security against the Indians. In the second of the articles of confederation, however, it was stated that the object was also the "preserving and propagating the truth and liberties of the gospel." Part of article three was directly aimed at the Narragansett settlements, for it provided "that no other jurisdiction shall hereafter be taken in as a distinct head or member of this confederation, nor shall any other, either plantation or jurisdiction, in present being and not already in combination or under the

jurisdiction of any of these confederates, be received by any of them." In article six it was agreed that for the management of the business of the Confederation a board of commissioners should be appointed, consisting of two from each colony ("all in church fellowship with us"), any six of whom were to have full power, and that there should be held one meeting a year on the first Thursday in September. There also were provisions for extraordinary meetings, and in emergency for the granting of aid without meetings, upon the requisition of three magistrates; nor was there failure to provide, in the case of enterprises wherein "God should bless our endeavors," for an equitable division of "spoils or whatever is gotten by conquest."¹

The New England Confederation having been thus duly constituted, it proceeded almost immediately to carry out Puritan ideals by ordering (in September) the execution of Miantonomi — the proud colleague of Canonicus. But of this more anon. It is here merely desired to call attention to the execution, or rather judicial murder, in question, in order to associate with it another outrage by the Puritans during the same year (November), namely, the vicious assault upon Gorton and his company; a performance not, like the execution of Miantonomi, directly chargeable to the new Confederation, but countenanced by it,² and thoroughly in the spirit of the pronouncement in favor of "propagating the truth and liberties of the gospel" with

¹ Hazard's *State Papers*, vol. ii. p. 1.

² *Ibid.*, p. 10.

an eye upon the "division of the spoils," "should God bless our endeavors."

Landing from his Dutch ship, Williams did not step into a scene of tranquillity in England. When he had quitted the land in 1630-31, Charles I. (angry at Parliament, which under the lead of the aged Coke — our traveller's patron — had forced upon him the Petition of Right) had begun his eleven years' administration without a Parliament, and Laud was busy persecuting dissenters. Oliver Cromwell and his kinsman John Hampden had been members of the last House of Commons, but Williams had probably not heard much about them. Of Pym, Wentworth, and Sir John Eliot, then the conspicuous leaders, he had probably heard a great deal. Now lo! the change! Eliot had died in the Tower. Wentworth had apostatized, had been created Earl of Strafford, had been tried and sent to the block. Laud had been made Archbishop of Canterbury, had been deposed, and now in the Tower was awaiting the fate of Strafford. Pym had revolutionized the English Constitution by concentrating all power in the hands of the Commons, Hampden had received his death-wound in Chalgrove field, while Oliver Cromwell, as colonel of a Parliamentarian troop of horse that always kept its formation, was coming every day more into the thoughts of men. As for Charles himself, forced in June, 1639, to the pacification of Berwick by the Scots, driven in March, 1641, to summon the Long Parliament, foiled in January,

1642, in his attempt to arrest the five members, he had in the year last named unfurled his standard at Nottingham, fought the indecisive engagement of Edgehill, and now, late in the summer of 1643, was watching his adversaries from Oxford and the north.

These events were all exciting, and all no doubt of deep interest to Williams, but they were not the events then taking place upon English soil which interested him most. What, we may safely presume, stirred him chiefly, upon his arrival in London, were two facts: first, that in Parliament a little band of members,—Independents they were called,—consisting of Sir Henry Vane, Oliver Cromwell, Oliver St. John, and Sir Arthur Haslerig, were standing out, in the debates upon religion, for a Toleration; and second, that in the Westminster Assembly of divines which had been summoned to aid Parliament upon the religious question, and was holding its sessions amid the royal effigies of Henry the Seventh's Chapel, another little band of Independents, consisting of Thomas Goodwin, Sidrach Simpson, Philip Nye, Jeremias Burrows, and William Bridge, all lately returned from Holland, were likewise standing out for a Toleration.¹ Indeed, as it chanced, the apostle of

¹ In 1643-44 the Independents issued a statement of their views, called the *Apologetical Narration*. To this a reply soon appeared, entitled *Observations and Annotations upon the Apologetical Narration*, which by its style strongly suggests the author of the *Gangrana*. The following extract (p. 64), is not without point: "Yea, your New England men . . . tolerated not their brethren who did hazard their lives in that voyage but made them go again . . . to seek out some new Habitations in strange Countreyes yea in strange wildernesses; yea they would not so much . . . as

Toleration, fresh from his twelve years' task of domesticating the time-spirit in the new world, had come back at the precise juncture when this spirit was agitating most violently the mind of the mother country, and was to contribute to that agitation the strongest of the appeals made on the side of the Independents, to wit, *The Bloody Tenet of Persecution for Cause of Conscience Discussed in a Conference between Truth and Peace*. "I regard," says Professor Masson, "the arrival of Roger Williams in London, about mid-summer 1643, as the importation into England of the very quintessence or last distillation of that notion of church independency which England had originated, but Holland and America had worked out."

Williams was in truth the representative of the last distillation of the notion of church independency. The five Independent clergy of the Westminster Assembly were as nothing to him. They would have been content with a little practical Toleration fringing the edges of a Presbyterian national establishment, provided always the same were restricted to Christians who were Protestants; whereas Williams not only advocated a Toleration that was, in matters of mere belief, all comprehensive, but stood at the moment before Parliament

receive some men otherwise approved by themselves to live in any corner of New England; . . . and that merely because they differed a little from them in point of Discipline. How then can our Brethren of that profession be Suitors for a Toleration in Old England . . . when as those of their profession refused it to those of New England in time of great persecution. Is it not to be feared that if they had the upper hand over us here they should send us all to some Isle of Dogs as they have done others?"—J. Carter Brown Library.

as a petitioner (duly accredited) for the recognition of a group of British settlements in which what he advocated was carried out in practice,—places where Toleration had reached such a point of distillation that Church was wholly separate from State, and Jews and Atheists even were not discriminated against. But of course Williams's Toleration was a plant which had virgin soil into which to strike its roots, while that of the five clergy was forced to extract what nourishment it could from ground already well-nigh pre-empted by other growths.

The men of light and leading in England at this time who came nearest the point of view of Williams were Sir Henry Vane, Oliver Cromwell, and John Milton. Of these three Vane had had the best opportunity for acquiring advanced views, or for confirming the advanced views which he already entertained. His Antinomian experience in Massachusetts must have been highly educative. It is said that he was the only man admitted to the esoteric *conversazioni* of Mistress Hutchinson, and we know that after the latter was thrown over by the politic Cotton she found great consolation in Vane. Thus Williams writes to Winthrop on April 16, 1638: "I find their [the Antinomian refugees'] longings great after Mr. Vane, although they think he cannot return this year: the eyes of some are so earnestly fixed upon him that Mistress Hutchinson professeth if he come not to New, she must to Old England." But Vane re-

turned never again to gladden the heart of her whom Masson describes in her exile as "this woman from Lincolnshire with wrinkles round her eloquent eyes," and on August 8, 1643,—about the time of our traveller's debarkation,—Sir Henry was among the Scots, doing what he could to soften the rigorous terms of the religious covenant which Pym was forced to conclude with that people in return for the loan of an army wherewith to subdue the King.

As for Cromwell, he was a man on the Toleration question well up to the Roger Williams standard. As early as April, 1643, Robert Baillie called him "the great Independent"; and well he might, for only the month before, Cromwell had written to Major-General Lawrence Crawford, who had cashiered one of his captains because he was thought to be an Anabaptist:

"Sir, the State in choosing men to serve it takes no notice of their opinions; if they be willing faithfully to serve it, that satisfies. . . . Take heed of being sharp, or too easily sharpened by others, against those to whom you can object little but that they square not with you in every opinion concerning matters of religion,"—

words that would have electrified the soul of Williams, could he have seen them.

John Milton, the last named of our three leaders, was last also in appreciation of the great principle of which Williams was the representative. He had, it is true, for two years been an open Anti-Prelatist, and now (August, 1643) was about to take a step that would cause him to be classed

along with the Familists, Anabaptists, Mortalists, and others, as a dangerous schismatic and sectarian, but for all that he favored Toleration only for good Protestants. The step in question—thus about to be taken by Milton upon the approximate date of our traveller's arrival in London—was the publication of the *Tract on Divorce*, a treatise advocating divorce for mere incompatibility of tastes and temper, and which so far alienated from its author the mind of orthodox England as to make him the more accessible to men of the class of Roger Williams; a circumstance which leads Masson to the conclusion that Williams now began that acquaintance with Milton which is known to have existed throughout the long period of his second sojourn in England (1651-54).

Be that as it may, our traveller—the agent of Providence and Aquidneck—knew Vane, and through Vane had the ear of Cromwell, and that was ample for his mission. This mission was primarily, and on its practical side, to procure a patent for the new colony erected out of the Narragansett settlements; but in a secondary way it was, as already intimated, much broader. Thus, secondarily, it involved at least three distinct tasks: first, the publication of Williams's book written on shipboard,—*The Key into the Language of America*; second, the enlistment of interest in the sect called Seekers,—a sect so completely embodying the notion of church independency as to be no church at all, but the antecedent elements or atoms of one, seeking a principle of cohesion; and third,

the writing and publication of the *Bloody Tenet of Persecution*,—a formal vindication and justification of the one commonwealth in the world exemplifying the ideas which Vane, Cromwell, and Milton, and in lesser degree the five Independent clergy of the Westminster Assembly, were urging upon the minds and consciences of Englishmen.

The publication of the *Key* was soon arranged with a London bookseller, Gregory Dexter, who later on himself emigrated to Rhode Island, and before the end of 1643 the book was out. It was upon the new and fascinating theme of the speech, manners, and morals of the American Indian, and attracted much attention, winning commendation from the Board of Trade, and forming a substantial basis—in the details which it gave concerning the Narragansetts and their country—for the application for a patent. It was slower work creating an interest in Seekerism; but our traveller went resolutely at it, and by the summer of 1644 we find Robert Baillie, who was a member of the Westminster Assembly and who had come personally to know Williams, writing: "The Independents are divided among themselves. One Mr. Williams has drawn a great number after him to a singular independency, denying any true church in the world, and will have every man serve God by himself alone." And later Baillie again writes: "Sundry of the Independents are stepped out of the church and follow my good acquaintance Mr. Roger Williams, who says there is no church, no sacraments,

no pastors, no church officers or ordinance in the world, nor has been since a few years after the apostles."

These allusions, by so competent a theologian as Baillie, to our traveller as a founder of the Seekers would seem to make it almost certain that such he was; and the testimony of Baillie is supplemented by that of Richard Baxter.¹ But whether he were or no, all will recognize a pretty correct description of Williams's theological attitude, from 1640 to the end, in the following by "Old Ephraim Paget": "Many have wrangled so long about the Church that at last they have quite lost it, and go under the name of Expecters and Seekers; . . . some of them affirm the Church to be in the wilderness, and they are seeking for it there; others say that it is in the smoke of the Temple, and that they are groping for it there,—where I leave them praying

¹ Baillie's *Letters*, vol. ii.; *Reliq. Baxterianæ*, Part I., page 76. "The great Mr. Baxter calls him [R. W.] the father of the Seekers in London" (Backus, vol. i., p. 509).

Barclay, in his *Inner Life of the Religious Sects of the Commonwealth* (p. 140), states that the views of the Seekers have been traced to the time of the Reformation. These views he regards as having originated in Holland among the Anabaptists, and quotes Sebastian Franck's *Chronica* (1536) p. CC, Part III., to the effect that some desire to allow Baptism and other ceremonies to remain in abeyance till God gives another command, thinking the ceremonies since the death of the Apostles to be equally defiled, laid waste, and fallen. But so far as England is concerned, the presence of Seekerism seems first to have been noted by John Murton in 1617. The latter says: "O ye Seekers, I would ye sought aright and not beyond the scriptures calling it carnal" (*Truth's Champion*, 3d ed. p. 154.) A prominent English Seeker of a decade later than 1643-44 (the time of Williams's visit) was John Jackson. Jackson named three classes of Seekers, (1) those against all ordinances, (2) those who see not sufficient ground for the present practice of ordinances, and (3) those above and beyond all ordinances.

to God." And what is more, there seems to have been something about Seekerism that strongly attracted even Cromwell, for, in 1646 we find him writing to his daughter, Mrs. Ireton: "And thus to be a Seeker is to be of the best sect next after a Finder; and such an one shall every faithful, humble Seeker be in the end. Happy Seeker, happy Finder." In a word, Seekerism was an *ism* peculiarly grateful to the taste of the ultra-Tolerationists of the time. It was not only that last distillation of the notion of church independency, spoken of by Professor Masson, and already mentioned as "involving the complete separation of Church and State," but more. It was such a distillation of Independency as involved the extinction of the formal church.

As for the *Bloody Tenet*, published just before our traveller's departure for America, it was a remarkable performance, and one accomplished under the pressure and distraction of a thousand untoward circumstances. The chief requisite for any piece of literature is that it be *live*, that it come glowing from the brain; fulfilling which, a host of minor imperfections are as nothing; and that the *Bloody Tenet* does fulfil this requisite, is beyond question. It stands at the threshold of American history as a beacon light, sustaining to that history on the moral side a relation like that which the *Federalist* (also a beacon light) sustains on the side more purely intellectual. And both were hurried books. The tide of the times did not tarry for either, but each bravely took the tide at its flood.

"These meditations," says Williams in a familiar passage, referring to the *Bloody Tenet*, "were fitted for public view in change of rooms and corners, yea, sometimes in variety of strange houses, sometimes in the fields, in the midst of travel where (the author) hath been forced to gather and scatter his loose thoughts and papers."

Indeed, by the help of hints like these we may actually see our traveller in the midst of his labors and distractions: now of a morning plying the pen in his lodgings near St. Martin's in the Fields, now of an afternoon pausing in the lobby of St. Stephen's to talk with Baillie or Nye on their way to the Westminster Assembly housed (for it is winter) in the Jerusalem Chamber; now at Whitehall or in Fleet Street with Vane; now at the printer's; now in the country collecting fuel for the London poor, whose supply of coal from Newcastle has been cut off by the deep snows; now of an evening—Sunday evening perchance—in Milton's rooms in Aldersgate Street (all too silent after the recent wedding gayeties) listening to the author of *Lycidas* as he expounds the Greek Testament to his pupils.¹

¹ But the fitting for public view of our traveller's meditations (thus broken in upon) having been accomplished, let the result, in epitome, speak for itself.

"In what dark corner of the world, sweet Peace, are we two met?" asks, at the outset of the book, the allegorical personage Truth. "How hath this present world banished me from all the coasts and corners of it! And how hath the righteous God in judgment taken thee from the earth!" "It is lamentably true, blessed Truth" (Peace replies): "the foundations of the world have long been out of course; the gates of Earth and Hell have conspired together to intercept our joyful meeting and our holy kisses. With what wearied, tired wing have I flown over nations, kingdoms, cities, towns to find out precious Truth." And so a dialogue between Truth and

Nor was the *Bloody Tenet* by any means the only word contributed by Williams concerning Toleration during his first stay abroad. Shortly after his arrival in London, he found in print that letter of John Cotton's referred to in our first chapter, and to this he published (1644) the reply already noticed,—*Mr. Cotton's Letter Examined and Answered*. Then, following upon the answer to Cotton, came a pamphlet addressed to Parliament under the title of *Queries of the Highest Consideration*. "Most renowned patriots," says the introduction, "you sit at helm in as great a storm as e'er poor England's Commonwealth was lost in; yet be you pleased to remember, that excepting the affairs . . . of religion . . . all your consultations, conclusions, executions are not of the quantity of

Peace begins, in the progress of which through some four hundred pages the fundamental principle is established that "A permission of the most Paganish, Jewish, Turkish, and Antichristian consciences and worships should be granted to all men, in all nations and countries." Then come these concluding words:

Peace. "We have now, dear Truth, through the gracious hand of God, clambered up to the top of this our tedious discourse."

Truth. "O, 't is mercy unexpressible that either thou or I have had so long a breathing time and that together."

Peace. "If English ground must yet be drunk with English blood, O, where shall Peace repose her wearied head and heavy heart?"

Truth. "Dear Peace, if thou find welcome and the God of peace miraculously please to quench these all-devouring flames, yet where shall Truth find rest from cruel persecutions?"

Peace. "But lo! Who's here?"

Truth. "Our sister Patience, whose desired company is as needful as delightful. . . . The God of Peace, the God of Truth will shortly seal this truth . . . and make it evident to the whole world, that the Doctrine of Persecution for Cause of Conscience is most evidently and lamentably contrary to the doctrine of Christ Jesus, the Prince of Peace, Amen."

the value of one poor drop of water"; and then are propounded the queries — twelve in number — each cogent, and collectively exhaustive of the principles underlying the doctrine of Soul Liberty.

At the same time that Williams was seeking in England to induce the acceptance of the Toleration idea, he was pursuing his special task of providing for the confirmation and perpetuation of this idea in far-away Providence and Aquidneck, where acceptance had already been secured.

On November 2, 1643, the committee of the Privy Council, called the Lords of Trade, which heretofore had had the management of the British colonies, was superseded by a Parliamentary Commission consisting of five peers and twelve commoners, with Robert, Earl of Warwick, as Governor-in-Chief and Lord High Admiral. Pym, Vane, and Cromwell were among the members, and through them Williams made his application for a patent. The application was successful, and on March 14, 1643-44, the instrument was issued. It recited that, whereas

"there [was] a tract of land in the continent of America, called by the name of the Narragansett Bay, bordering North and North East on the Patent of the Massachusetts, East and South East on Plymouth Patent, South on the Ocean, and on the West and North West inhabited by the Indians called Narragansetts, the whole tract extending about twenty and seven English miles unto the Pequod River and country; and that, whereas divers well-affected and industrious English, inhabitants of the towns of Providence, Portsmouth, and Newport in the tract aforesaid, [had] adventured to make a

nearer neighborhood to, and society with, the great body of the Narragansetts, which [might] in time, by the blessing of God upon their endeavor, lay a surer foundation of happiness to all America, . . . the said Robert Earl of Warwick, and the greater number of the said Commissioners, gave, granted, and confirmed unto the aforesaid inhabitants of Providence, Portsmouth, and Newport a full and absolute Charter of Civill Incorporation, to be known by the name of the Incorporation of Providence Plantations in the Narragansett Bay in New England."

It was furthermore provided, that the inhabitants should have

"full power and authority to govern and rule themselves . . . by such a form of civil government as by voluntary consent of all, or the greater part of them, they should find most servicable in their estate and condition; . . . the laws, constitutions, and punishments for the civil government of the said plantation to be conformable to the laws of England, so far as the nature and constitution of the place would admit."¹

In seeking the patent above described, our traveller and agent was conscious of no opposition. Everything went smoothly, and to all indications the result was a triumph without alloy. But the indications were deceptive. Massachusetts was not so easily to be escaped. When we last saw the Rev. Hugh Peters and the Rev. Thomas Welde, they had

¹ *R. I. Hist. Coll.*, vol ii., p. 259.

Surprise has often been expressed that the patent contained no express grant of Soul Liberty. It should, however, be remembered that at the time when the patent was issued, Soul Liberty, or Toleration, in England was the theme of hot political and ecclesiastical debate. A few were for it, both in Parliament and in the Westminster Assembly, but the majority were against it. It is evident, therefore, that in any instrument that must pass the scrutiny of a Parliamentary board the less said about Soul Liberty the better.

just participated in the congenial task of sending forth into the wilderness Mistress Anne Hutchinson. They were both now in London, and had been since the autumn of 1641, as the representatives of the Bay Commonwealth. Winthrop records that they were sent "to congratulate the happy success [of the Parliament in England]," to explain to "our creditors . . . why we could not make so current payment as in former years," and "to make use of any opportunity God should offer for the good of the country here." But whatever their instructions, express or implied, the representatives themselves (particularly Welde) conceived that it manifestly fell within these instructions to thwart the efforts which that audacious heretic and abettor of Anne Hutchinson, Roger Williams, was known to be putting forth by the help of that other heretic, Sir Henry Vane, to procure a patent of incorporation for that nest of heretics, the Narragansett settlements.

So Welde set to work, and sometime during November and December, 1643, obtained the signatures of nine of the Parliamentary commissioners to a document since known as the Narragansett Patent, whereby there was added to the "bounds and limits" of Massachusetts the "tract of land . . . called the Narragansett Bay in America." The signature of neither Vane nor Cromwell was obtained, for both these commissioners were the friends of Williams and of Toleration, and were at the time no doubt exerting themselves in Williams's behalf. Indeed there is

every reason to think that it was the efforts of Vane, supervening, that nipped the project of Welde in the bud; for the Narragansett Patent is signed by only a moiety of the commissioners (a majority being required to give validity),¹ and bears other evidences of having been left in a state of incompletion.² Nor in all this is there anything to create surprise. It was natural that Welde should attempt to frustrate the plans of Williams

¹ Mr. Charles Deane argues that a majority of the commissioners were not required to sign a patent of incorporation for a plantation. But upon that point the language of the ordinance creating the Board of Commissioners would seem to be conclusive. See the ordinance, *R. I. Hist. Coll.*, vol. ii., p. 250, and Mr. Aspinwall's remarks, *Mass. Hist. Soc. Proc.*, June, 1862.

² The Narragansett Patent bears date December 10, 1643, which was Sunday, — a day upon which it is quite inconceivable that a Puritan body would perform the secular work of issuing a patent.

There are further circumstances tending to prove that the Narragansett Patent was never regularly issued, as for instance the statement of the Lord President Warwick in the hearing of Samuel Gorton, that the instrument "had never past the table" (*Narr. Club Pub.*, vol. vi., p. 341); the statement of William Brenton to Hutchinson, the Massachusetts agent, in 1662, that "there was no such thing upon record in any court of England, for he had sent to search the records," etc.—Bryant and Gay's *Hist. U. S.*, vol. ii., p. 102.

Mr. S. S. Rider calls attention to the fact (*Book Notes*, vol. viii., p. 196) that the name of John Pym is omitted from the list of commissioners as recited in the Narragansett Patent, thus making the whole number of commissioners seventeen instead of eighteen; the apparent intention being to give the impression that the patent, signed as it was by nine commissioners, complied with the requirement in respect to the signatures of a majority. To this, however, it should be added that at the date of the Narragansett Patent (December 10, 1643) John Pym was lying dead, having expired at Derby House on December 8th. The fact that his name was allowed to appear in the patent for Providence Plantations, issued later on, was immaterial, as that patent bore eleven signatures; but in the case of the Narragansett Patent, which bore only nine signatures, it may have been considered material that the name of a deceased commissioner should not be recited in the instrument.

and Vane, and furthermore it was natural that in this attempt he should fall short. But there are later developments in connection with the matter that do create surprise.

In the summer of 1645, more than a year and a half subsequent to the date of the Narragansett Patent, Welde (who seems all along to have had possession of the document) sent it to Massachusetts, and it was made the basis of a notification to Providence Plantations, through Roger Williams, to cease the exercise of all jurisdiction in the Narragansett country.¹ Now, in the first place, why did Welde send the void patent? and secondly, why did Massachusetts put forth any claim under it? These questions admit perhaps of no positive answers, but Mr. Thomas Aspinwall, in his *Remarks on the Narragansett Patent*, printed in 1862, has made some suggestions toward answers that are at least worthy of serious consideration. It is the opinion of Mr. Aspinwall that Welde, taken to task by the Massachusetts authorities for having permitted himself to be outmanœuvred by Williams in securing control of the Narragansett country, sent home "this abortive Patent, not perhaps to be used as a legal instrument (for he knew its imperfections), but to prove that he had not been idle, and had nearly succeeded in his efforts" to head off his rival. In support of this opinion, Mr. Aspinwall is able to quote from Winthrop expressions showing that both Welde and Peters were in disfavor for what was considered their neglect of Massachusetts in-

¹ *Mass. Col. Rec.*, vol. iii., p. 49.

terests in England, and to quote from the General Court a crowning expression of dissatisfaction in the vote (recorded in October, 1645, just after the arrival of the patent in question), that Mr. Peters and Mr. Welde "having been long absent, may understand the Court's mind that they desire their presence here and speedy return."¹ The act of Massachusetts, therefore, in notifying Rhode Island (or Providence Plantations as it then was) of the existence of the Narragansett Patent was in common parlance a mere bluff; and as such, and a failure besides, was not repeated.

As for Welde and Peters, both, despite the pressing invitation of their colony to do otherwise, continued to reside abroad. Peters in due time became chaplain to Cromwell, in which capacity it fell to him, in Milton's company, to follow the bier of the Protector to its resting place in Westminster Abbey. His own end was tragic, for, upon the restoration of the monarchy, he suffered death as one of the proscribed. Welde in 1644, probably while Williams was still in England, was the means (at the instigation of the shrewd Baillie, it is thought) of bringing to light Winthrop's pamphlet, *Antinomians and Familists*, introduced by Welde himself in the inimitable "Preface," and altogether calculated to give great satisfaction to the Presbyterians as exhibiting the New England way — reputed a way of Toleration — in its true aspect of mercilessness and persecution. Welde's death was peaceful and occurred about 1662.

¹ Mr. Aspinwall's *Remarks on the Narr. Patent*, p. 27.

As the mission of Roger Williams drew to its close,—a mission which besides the securing of the patent had involved the publication of one book, the writing and publication of another book and of two lengthy pamphlets, and constant labors throughout an entire winter for the poor of London,—the principle of Toleration was destined to make one more forward stride by the victory of Marston Moor; that victory, the bloodiest in the English civil war, which gained for Oliver Cromwell what Mr. John Morley well terms "the brave nickname of Iron-side." But it is incumbent upon us now—leaving for a season Williams and his companions, Vane, Cromwell, Milton, even canny, intolerant old Robert Baillie—to recur to the first of those two remarkable occurrences which marked in New England the period of our traveller's absence,—I mean the execution of Miantonomi.

This great sachem of the Narragansetts—the nephew and colleague of Canonicus—fell a victim to circumstances, the first of which was the enmity of Uncas and the Mohegans; the second, a fear on the part of New Haven, Connecticut, and Plymouth of a Narragansett conspiracy against all the settlements; the third, the enmity of Massachusetts induced by Miantonomi's friendliness toward Gorton and his company; and the fourth, the absence from the country of Roger Williams. It has already been mentioned that one result of the Pequod War was the placing of Uncas in rivalry with Miantonomi for the favor of the English, and that this

rivalry was the cause of much vexation for Williams up to the time of his departure to procure the patent. The burden of the accusations bandied between the Narragansetts and Mohegans was that faith with the colonies was not kept regarding the surrender of Pequod captives. A meeting between Miantonomi and Uncas was therefore arranged by Williams and the Connecticut authorities to take place at Hartford, at which it was hoped the difference might be adjusted. The result of this meeting was a treaty, signed September 21, 1638, providing for future peace on the basis of an appeal to the English in all disputed matters, and providing further and especially that the Pequod prisoners on hand (excepting such as had murdered Englishmen) should be divided between the claimants. As however may be imagined, the conclusion of the treaty did not much improve the relations between the high contracting parties. Both merely bided their time for revenge.

Massachusetts had taken no particular part in the Miantonomi-Uncas difficulty, and, despite some slight misunderstandings, kept on good terms with the former down to the spring of 1643. The truth is that both Canonicus and his colleague had come to value their alliance with the Bay Commonwealth, and were ready to make many sacrifices of pride and wampum to maintain it. The case is put with even a touch of pathos by Williams in one of his letters :

"I perceive by these your last thoughts," he says to Winthrop, "that you have received many accusations and hard conceits

of this poor native Miantunnomu, wherein I see the vain and empty puff of all terrene promotions, his barbarous birth or greatness being much honored, confirmed and augmented (in his own conceit) by the solemnity of his league with the English, and his more than ordinary entertainment &c., now all dashed in a moment in the frowns of such in whose friendship and love lay his chief advancement."

As early as 1640, Miantonomi was called upon to pass beneath the frown of Massachusetts, upon word from Plymouth and Connecticut that he had "sent a great present of wampum to the Mohawks to aid him against the English"; but from this evidently groundless charge he easily vindicated himself. In the autumn of 1642, Massachusetts again frowned—this time, too, upon a seemingly grave occasion. Miantonomi was deliberately and circumstantially accused, and from quarters as widely separate as Plymouth and the Manhattoes, of conspiring to destroy all the settlers and settlements of New England and the Dutch.¹ Connecticut, New Haven, and Plymouth believed the charges to be well founded. The settlers of these colonies, still bearing in vivid recollection the massacres perpetrated by the Pequods five years before, and wrought upon by the reiterated fears and fancies of the Mohegans, were credulous. "During the watches of the night, the trembling inmates of the border cottages listened with apprehension to every sound, and peered through their carefully closed

¹ Regarding the so-called conspiracy, see Winthrop, vol. ii., pp. 78-84; Palfrey's *New Eng.*, vol. ii., pp. 114, 115 and notes; Hazard's *State Papers*, vol. ii., p. 8 *et seq.* and p. 45 *et seq.*; Gardiner's *Pequot Warres*; *Mass. Hist. Coll.*, 3d ser., vol. iii.

shutters into the darkness of the surrounding forest dreading each moment to see the stealthy steps and fantastic trappings of the Narragansett and Mohawk warriors."¹

The course taken by Massachusetts in the fancied emergency was to disarm the natives in the vicinity of Boston, and to summon Miantonomi to clear himself. The latter promptly appeared, accompanied by two or three witnesses, and demanded to be confronted with his accusers, "to the end," Winthrop says, "that if they could not make good what they had charged him with, they might suffer what he was worthy of, and must have expected, if he had been found guilty, viz. death." The interview as conducted could not have been otherwise than impressive. At one end of a long table sat Governor Winthrop, surrounded by his council in the modified Elizabethan garb of the period, a stately Puritan group; and opposite, forming a group no less stately, sat with his attendants the proud colleague of Canonicus, tall, stern of aspect, his togaed covering not so closely drawn as wholly to conceal the glowing copper breast and powerful arm. "In all his answers," too, Miantonomi is acknowledged by the Puritan Governor to have

¹ In this connection it is well to remember that a somewhat similar panic was induced among the Narragansetts themselves by the murder, in the summer of 1638, of an Indian by four Englishmen within a few miles of Providence. "Sir," wrote Williams to Governor Winthrop on that occasion, "there hath been a great hubbub in all these parts, by reason of a murder committed upon a native by four desperate English four days since. I went myself with two or three more to the wounded in the woods. The natives at first were shy of us, conceiving a general slaughter." —*Narr. Club Pub.*, vol. vi., p. 111.

been "very deliberate," to have shown "good understanding in the principles of justice and equity, and ingenuity withal," and to have "accommodated himself to us to our satisfaction."¹ Thus stood the case in September, 1642. The frowning brow of Massachusetts had relaxed.

But in the following January and May (1643), events took place which caused the Puritan Commonwealth to view Miantonomi in a new light. Not that anything had happened in the meanwhile to discredit his protestations of innocence as regards the charge of conspiring against the English and the Dutch : he had kept his treaty obligations ; his whole political course had been exemplary. But in January he sold Shawomet to Samuel Gorton and his company, and in May the local sachems of this region, Pumham and Sacononoco, acting through the Arnold coterie,—a story to be told in our next chapter,—were seeking to escape the consequences of the sale by creeping under the same shelter which Massachusetts had extended above the Arnolds in relation to Pawtuxet. In other words, Miantonomi was now affiliating with Samuel Gorton, and Gorton was—to employ the forthright language of Winthrop, Winslow, Morton, and others of the elect—an "arch heretic," "a beast," "a miscreant," "a proud and pestilent seducer," "a man whose spirit was stark drunk with blasphemies and insolences." Miantonomi, therefore, was again summoned to Boston ; this time to show cause why his pretensions as to Shawomet should

¹ Winthrop, ii., 82.

not be set one side. The sachem patiently came, and no doubt explained what had never before been questioned: that the lesser sachems of the Narragansett country were all tributary to Canonculus and himself as lords paramount.¹ But, says Winthrop, "Miantonomi being demanded in open Court, before divers of his own men and Cutshamekin and other Indians, whether he had any interest in the said two Sachems as his subjects, he could prove none."²

Returning from his attendance on the court in Boston, our perplexed sachem found that trouble had arisen between one of his tributaries, Sequasson, and Uncas. Sequasson, it seems, had killed some of the Mohegans. Uncas then had attacked Sequasson, and—always redoubtable in fight—had handled him severely. This drew forth a complaint to Connecticut from Miantonomi, to whom the answer given was that "the English had no hand in [the affair]." Miantonomi next turned to Massachusetts, "and," as Winthrop records, "was very desirous to know if we would not be offended if he made war upon Onkus." "Our

¹ Roger Williams bears testimony to the supreme authority of Miantonomi in these words: "I humbly offer that what was done [the selling of Shawomet to Gorton] was according to the law and tenor of the natives (I take it) in all New England and America, viz., that the inferior Sachems and subjects shall plant and remove at the pleasure of the highest and supreme Sachems, and I humbly conceive that it pleaseth the Most High and Only Wise to make use of such a bond of authority over them without which they could not long subsist in human society, in this wild condition in which they are."—Letter to Mass., May 12, 1656, *R. I. Col. Rec.*, vol. i., p. 342.

² Winthrop, ii., 120.

Governor answered," continues the record, "if Onkus had done him or his friends wrong, and would not give satisfaction, we should leave him to take his own course."

Provided with *carte blanche* by both Massachusetts and Connecticut, Miantonomi in July, 1643, suddenly made a descent with several hundred warriors—nearly one thousand, it is said—upon Uncas. The latter knew nothing of the approach of the Narragansetts till they had crossed the Yantic River and were within the territory of the principal Mohegan town, near the present Norwich. Hastily collecting a small force—about half the number of the invaders—Uncas went forth to meet the latter, and, having come near enough for a parley, proposed (in unconscious emulation of such classical heroes as Goliath of Gath and Fuffetius, King of the Albans) that he and Miantonomi settle their scores by private combat. This method of equalizing forces the Narragansett sachem declined to consider. Uncas then fell flat upon his face, and his warriors, for whom the action was a signal to advance, rushed upon their foes, scattering them in every direction by the impetuosity of their attack. Miantonomi fled with his men, but, impeded by the weight and stiffness of some breast armor which had been loaned to him by Samuel Gorton,¹ was overtaken and captured.

¹ Edward Winslow says (*Hypocrisy Unmasked*, pp. 70-71) that the armor was loaned by John Wickes.

According to Indian custom, the captive's life was now forfeit to the conqueror; but Uncas—who knew of the league subsisting between the Narragansetts and Massachusetts—hesitated to provoke the English by despatching his enemy, and so took him to Hartford where, at the royal captive's own earnest request, he was held prisoner pending action by the United Colonies. In preferring this request to be left in English hands, Miantonomi doubtless felt that he was making a not altogether unwarranted appeal for his life. What were the facts? From the first Canonicus and himself had succored and befriended the English. Never in a single instance had they proved false. Moreover, by entering into the alliance with the Bay settlement, which they had done against the solicitations of the Pequods and against the protest of the inferior sachems of their own nation, they had perhaps saved all New England from fire and slaughter. Were not these strong grounds upon which to base an expectation that the English—so well instructed in the principles of equity, and so disposed to follow them, as Roger Williams had always maintained—would intervene to mitigate the severity of Indian custom? True, these were strong grounds for such an expectation. But there was one thing of which Miantonomi was not aware. He was not aware that in countenancing Gorton—Gorton the heretic, Gorton the beast and blasphemer—he was in all likelihood making all that he and old Canonicus had ever done for the English as but dust in the balance when the

Commissioners of the United Colonies should meet in Boston.¹

The commissioners met, September 7th, and immediately took up the case of the captive sachem. According to the official record, they determined to base whatever action might be taken solely upon the agreement of September 21, 1638, entered into between Miantonomi and Uncas at Hartford. At the same time, they were careful to state that they knew and well remembered "the ambitious designs [of Miantonomi] to make himself universal Sagamore or Governor of all these parts, . . . [and] his treacherous plotts [to this end] by gifts to engage all the Indians at once to cutt off the whole Body of the English in these parts."² But, confining themselves to the Hartford agreement, they professed to find that Miantonomi had violated its terms by coming upon Uncas "suddenly without denouncing warr."

Now the language of the agreement, in the part said to have been violated, is as follows: "If there fall out injuries and wrongs for future to be done or committed Each to other or their men, they shall not presently Revenge it, But they are to appeal to the English and they are to decide the same. And if the one or the other shall Refuse to do, it shall

¹ That it was Miantonomi's relations with Gorton that brought down upon him the wrath of Massachusetts is made very apparent in such remarks as the following by Edward Winslow in the *Hyprocrisy Unmasked* (pp. 75, 87): "Gorton's so desperate close with so dangerous and patent enemies, and at such a time of conspiracy by the same Indians"; "Malignant English sate down so near them and held counsel with them."

² Hazard's *State Papers*, vol. ii., p. 8 *et seq.*

be lawfull for the English to Compel him, and to Side and take part if they see cause, against the obstinate or Refusing party."¹ All that is here provided is that before war is resorted to, the English shall be given an opportunity to adjust the trouble; and certainly Miantonomi had given the English every opportunity to effect an adjustment, if they could or would, in the trouble over Sequasson. He had appealed first to Connecticut and been told that "the English had no hand in [the affair]"; he had then appealed to Massachusetts and been told that "if Onkus had done him or his friends wrong, . . . we should leave him to take his own course." In other words, it was Miantonomi who had observed the terms of the agreement, and the English who had not; for upon his complaint, the latter, instead of deciding the point in dispute, or at least trying to do so, as the agreement required of them, had deliberately washed their hands of the duty, and declined to intervene.

But, brushing this consideration one side, the colony commissioners—those of Connecticut, New Haven, and Plymouth still haunted by fears of a conspiracy, and those of Massachusetts stimulated by hatred of Gorton—formulated a decree reciting that "Uncas [the Englishman's friend, could] not be safe while Myantenomo lived, and that he [therefore might] justly putt such a false and bloodthirsty enemie to death."²

¹ The Hartford Treaty, *R. I. Hist. Coll.*, vol. iii., p. 177.

² Hazard's *State Papers*, vol. ii., p. 8 *et seq.*

How determined the commissioners were that Miantonomi should be

The decree which pronounced Miantonomi worthy of death, also prescribed the place and manner of the execution. The place was to be wholly outside the "English plantations," and within the domains of Uncas; and the manner, without "tortures and cruelty." Accordingly, upon the return to Hartford of the commissioners of Connecticut, Uncas was summoned, advised of the pleasant duty which had been assigned him, and, accompanied by two Englishmen to see that the terms of the death-warrant were duly observed, was sent with his royal victim into the Mohegan country. The little party proceeded rapidly to the field near Norwich where the capture had been effected, and here one of Uncas's men, as previously arranged, stole softly up behind Miantonomi and buried his war-hatchet in his brain. It is said that, as the Narragansett sachem fell, Uncas sprang savagely upon him and cut a large piece from his shoulder, which he ate, declaring it "sweet," and that "it made his heart strong." The victim was buried on the spot, and the field has preserved ever since the name then given it of Sachem's Plain.¹

Thus that rivalry between Uncas and Miantonomi severely dealt with—whatever Uncas might think or do—is disclosed by the order made that "In case Onkus shall refuse to execute justice upon Myantonomo That then Myantonomo be sent by the Sea to Massachusetts there to be kept in safe durance till the Commissioners may consider further how to dispose of him."—Hazard, vol. ii., p. 13.

¹ The text follows Trumbull in *Hist. of Conn.* Winthrop and Savage designate the place of execution as between Hartford and Windsor (*Journal*, ii., 134).

nomi which, beginning with the close of the Pequod War, had been the cause of so many letters, journeys, and anxieties to Roger Williams, now, in Williams's absence, reached its end. This absence has been mentioned on a preceding page as one of the circumstances contributing to Miantonomi's death, and in the early stage of events it is not unlikely that the great exile might have been able so to shape the conduct of the Narragansett sachem as to enable him in some measure to escape the perils to his safety. Later on, it is hardly to be supposed that anything could have been done in this direction, even had Roger Williams been at hand.

"Surely a Rhode Island man," says Governor Stephen Hopkins in his history, "may be permitted to mourn Miantonomi's unhappy fate, and to drop a tear on his ashes." Surely he may, and surely may every American, and this without blinding himself in the least to the limitations of the great Narragansett, or to the excellences of the great Mohegan, his rival.

Miantonomi was distinctly a type of those milder Indian traits which in Chapter III. have been indicated as possessed by the Narragansetts. He busied himself in war, but was only secondarily a warrior. His appropriate sphere was statecraft. Here he was thoroughly at home, and here he never failed to excite the admiration of Winthrop (himself no mean diplomatist) by the ingenuousness and magnanimity, controlled by discretion, with which he handled important affairs. That he so long retained the confidence of Massachusetts is honorable

alike to his fidelity and his sagacity ; and that he ever lost it is only Massachusetts' humiliation. Nor, on the other hand, is it to be wondered at that Uncas should have held in a superior degree the confidence of Connecticut. Uncas was a warrior — every inch of him — and a born leader of warriors besides ; and the protection which such an one was able to afford an outlying colony was of the utmost value. Moreover, the help given by the Mohegan sachem to Major Mason, in the crisis of the Pequod troubles, was not only valuable, but stood forth in sharp contrast with the course of Miantonomi, who, though friendly, did not attend the expedition to Mystic Fort, and thus did nothing to dispel from the minds of the Narragansetts who did attend their innate and well-nigh uncontrollable fear of Sassacus.

But so we leave them, — the Indian Saladin crushed beneath the mace of the Indian Lion-hearted, — and Roger Williams, of whom we may think as the fitting representative of us all to lay a tribute of grief at the feet of old Canonicus, far from the land of the Narragansetts.

CHAPTER VII

ROGER WILLIAMS IN ENGLAND [CONTINUED]—THE HARRYING OF THE GORTONISTS

THE second of the two occurrences which made memorable in New England the period of Williams's first absence abroad,—the persecution of Gorton by Massachusetts,—was, like the execution of Miantonomi, due to combining circumstances. To begin with, the Narragansett settlements, in their attitude of friendliness toward heretics, had long been felt to be a menace by the Massachusetts Theocracy¹; and secondly, the Arnold coterie in their greed for land, and not unjustifiable fear of Gorton as a foe to civil order, were

¹ A specific instance is the case of John Greene of Providence. Greene came to New England in the next ship after that which brought Roger Williams, and settled at Salem. Disliking the Massachusetts system, he followed Williams to Providence. On August 1, 1636, he was back in Salem to arrange for the sale of his house. Being overheard in conversation to say that the power of the Lord Jesus in Massachusetts was in the hand of civil authority, he was put under bonds by Endicott to answer for contempt. Later on (March 12, 1638) an act was passed by Massachusetts that "John Greene shall not come into this jurisdiction upon paine of imprisonment etc., and because it appears . . . that some other of the same place [Providence] are confident in the same corrupt judgment and practice, it is ordered that if [they] shall come within this jurisdiction, they shall be apprehended . . . and if they will not disclaime the said corrupt opinion . . . they shall be commanded presently to depart"—*Mass. Col. Rec.*, vol. i., p. 224.

the means of putting it in the way of the Theocracy to extend its jurisdiction among those whose presence it found so disquieting.

The deed to Samuel Gorton for Shawomet (made in 1643) conveyed, in general terms, a tract extending from what is now Gaspee Point to Warwick Neck, and twenty miles inland,—a tract corresponding with the greater part of the present townships of Warwick and Coventry. It was signed by Miantonomi as lord proprietor, and by Pumham as local sachem, and the grantees were Holden, Greene, Gorton, and eight others already familiar by name as members of Gorton's company. Not long after the execution of the deed in question,—that is, in May, 1643,—Pumham, the local sachem of Shawomet, and Sacononoco, local sachem of Pawtuxet, accompanied by Benedict Arnold as interpreter, came to Boston and offered to submit themselves to the authority of Massachusetts. They were moved to make the offer, they said, because they found themselves "overborne" by Miantonomi and Gorton, the latter of whom had "so prevailed" with the Narragansett sachem as that Miantonomi had "forced" Pumham to join with him in the deed for Shawomet. It is very naturally the opinion of Gorton, as set forth in *Simplicite's Defence*, that this offer of submission was a cunningly contrived piece of strategy on the part of Massachusetts for obtaining that control over him and his followers which had so nearly been obtained by the sub-

mission of the Arnolds, as related in Chapter IV.

This opinion, however, hardly seems warranted. The Arnolds had abundant reason on their own account for wishing to see the jurisdiction of the Bay Commonwealth extended over Shawomet. They had already (January, 1641) purchased Pawtuxet¹ from Sacononoco, and were intending to make further purchases in the same region,—an intention evidenced by a deed from Sacononoco dated in 1644, and by one from Massasoit dated in 1645,—and the purchase actually made, and those to be made, would, in case the proprietary authority of Miantonomi were superseded by that of Massachusetts, cause the Arnolds, through their titles derived from the local sachems, to become sole owners of Pawtuxet and Shawomet; in a word, would make their fortunes. But the difficulty was how to get the jurisdiction of the Bay extended in the quarter desired. Some pretext must be devised which would not merely save the face of Massachusetts, but, to some reasonable extent, cause the government and people to feel that there was religious warrant for the proceeding. It would not do to neglect the element of religion when dealing with the Puritans.

Under these circumstances the Arnolds be-thought themselves of a simple plan. They had brought Pawtuxet under the jurisdiction of the

¹ "All the lands Marshes meadows Islands Rivers ponds lyeing betweene the great fresh or salt River called Patuxset River, both above and below the falls, the River called Pachasett and the river called Wanasquatuckett & the great salt River that is betweene Providence and Patuxit." — *Suffolk (Mass.) Co. Records*, liber i., p. 63.

Bay by submitting their own persons and estates; why could they not bring Shawomet under the same jurisdiction by getting Pumham to submit his person? There would be no trouble so far as Pumham was concerned. He was notorious for thieving and laziness, and could be induced to do almost anything for rum and wampum. Some doubt may have been felt as to being able to overcome the influence of Miantonomi with Massachusetts; but it was remembered that now Miantonomi had become friendly with Gorton, and must therefore have exposed himself to the suspicion of his ally. Then, capping all, was no doubt the reflection that should Massachusetts be given an opportunity, through the submission of Pumham, to extend its jurisdiction over Shawomet, heresy incarnate could be called to stern account in Samuel Gorton; and that Massachusetts, perceiving this, would feel itself in possession of that religious warrant armed with which there was virtually nothing that it would not dare.

Indeed, from this scheme of the Arnolds, as a scheme, it is difficult to withhold admiration. It was so complete and promised to kill so many birds with one stone. It was to make each of the Arnolds rich, to wreak the most exquisite vengeance upon a personal enemy, and at the same time to effect this through a catspaw, or instrumentality, that would not only profit by it in a material sense itself, but find in it chiefly the hand of God smiting the blasphemer of his holy Word.

Winthrop says that the act of submission on the

part of Pumham and Sacononoco was not of their (Massachusetts') seeking, and, as above explained, this is no doubt true. But it is none the less true that Massachusetts had for some time — ever since the appeal of the thirteen of Providence against Gorton — held itself in a highly receptive attitude toward any "Godly" plan by which it might bring under its sway one or more of the Narragansett settlements. Accordingly, when Pumham and Sacononoco were introduced into the presence of Governor Winthrop by Benedict Arnold, they were graciously received. Their statements were listened to, and word was sent to Miantonomi and Gorton to appear at the next General Court and show cause why they should not be ousted from their possession of Shawomet.

Miantonomi, as has been seen in Chapter VI., came as bidden, and stoutly maintained his pretensions as lord proprietor of the region in dispute. In opposition to him, it was maintained by Cutshamekin—sachem of the Massachusetts tribe—that the Narragansett sachem had no authority over Pumham and Sacononoco, and this was confirmed by Benedict Arnold. It does not appear that Miantonomi was prepared to show affirmatively that he had authority. Nor in fact ought this to have been necessary. The court of the Bay might well have taken judicial notice of the supremacy of Miantonomi, at least within the admitted limits of the Narragansett country, where Shawomet was situated. As great and proud a sachem as Massasoit had freely acknowledged to Roger Williams that

he was tributary to the Narragansetts, and yet he dwelt to the east of Narragansett Bay, and hence wholly outside the territory immediately ruled by Canonicus and his nephew. Moreover, the local sachem of Aquidneck had refused to negotiate for the sale of the Island to Coddington on the ground that he was tributary to Miantonomi.

But, aside from these general considerations in favor of the pretensions of the latter, the very language of Cutshamekin lends them support. He said, as reported by Winthrop, that Pumham and Sacononoco were "as free Sachems as himself; only because he [Miantonomi] was a great Sachem they had sometimes sent him presents, and aided him in his war against the Pequots." Here then we have an admission of the tributary character of the relation to the Narragansetts not only of Pumham and Sacononoco, but also of Cutshamekin. The latter of course minimized as much as possible the somewhat humiliating fact that the several nations within the limits of the Plymouth and Massachusetts grants were in subjection, — were but a part, that is, of the Narragansett Empire. Indeed, there could have been expected of Indian pride no less. But the minimizing process was patent, and ought not to have been permitted to deceive. And finally it should not have been forgotten, that Pumham had in the first instance put his hand to the deed for Shawomet along with the hand of Miantonomi, and that his subsequent plea of having done so under duress was — in view of his reputation for flagrant dishonesty — entitled to but scant respect.

But Massachusetts was blind to these things, and proceeded at once to get the act of submission by the two sachems into form. And at this point a step was taken that, in its unconscious humor, goes farther than anything else perhaps toward certifying the honesty—bigoted though it were—of the Theocracy in the whole Gorton episode. Two commissioners, Humphrey Atherton and Edward Tomlyn, were sent to Shawomet “to open” to the two sachems, Pumham and Sacononoco, the ten commandments; it evidently having been decided to receive these natives as *protégés* only upon satisfactory profession of their faith.

The first question propounded by the commissioners was, Winthrop tells us, whether the sachems would worship the true God that made heaven and earth, and not blaspheme Him. To this the Indians replied that they desired “not to speak evil” of the Englishman’s God, because “we see [He] doth better for them than other Gods do for others.” The second question asked was whether they would consent “not to swear falsely.” To this they answered: “We never knew what swearing or an oath was.” They were then asked whether they would consent not to do any unnecessary work on the Lord’s Day. Their reply was: “It is a small thing for us to rest on that day, for we have not much to do any day.” The fourth question was with regard to honoring parents and superiors. The sachems answered: “It is our custom so to do, . . . for if we complain to the Governor of the Massachusetts that we have wrong, if they [he] tell us we lie,

we shall willingly bear it." It is in view of these, and a few other like professions, that the good Winthrop feels moved to say: "We looked upon it as a fruit of our prayers, and the first fruit of our hopes, that the example would bring in others, and that the Lord was by this means making a way to bring them to civility, and so to conversion to the knowledge and embracing of the gospel in his due time."

The scheme of the Arnolds was, indeed, working well when the Governor of Massachusetts could thus joyfully receive under the shadow of the wing of his Bible Commonwealth rascals of the type of Pumham and Sacononoco (for Sacononoco was equally a thief with Pumham), moralizing the while in high strain upon the edifying answers which these same rascals had just made to a series of interrogatories upon the ten commandments. Such a thing could not have occurred had the Puritans possessed humor; but had they possessed humor, they had not been Puritans.

The business with the sachems of Shawomet and Pawtuxet was concluded on June 22d, by the signing of a formal act wherein these veracious worthies proclaimed that they "voluntarily, and without any constraint or persuasion, put [themselves, their] subjects, lands, and estates under the government and jurisdiction of the Massachusetts"; promising fealty for themselves and their posterity, and "to be willing from time to time to be instructed in the knowledge and worship of God."¹

¹ The virtual buying of the religious submission of the Indians, practised by Massachusetts, attracted the notice of the King's commissioners in 1665. They say (No. 63, J. Carter Brown Coll. *Brit. State Papers*): "[The Puritans]

But what, the meanwhile, concerning Samuel Gorton? He, as well as Miantonomi, had been summoned to show cause why he should not be ousted from Shawomet. More wary, however, than Miantonomi, he had not seen fit to heed the summons. He had chosen rather to discharge at long range a missile of four closely written pages "full," says Winthrop, "of reproaches against our magistrates, elders, and churches." He also, it seems, gave himself the pleasure of discharging an oral missile (by Benedict Arnold) to the effect that, if Massachusetts "sent men against" him and his company, "they were ready to meet [them], being assured of victory from God." For the present, the General Court paid but slight attention to these stinging communications, merely commissioning Atherton and Tomlyns, who were setting out on their errand to Pumham and Sacononoco concerning the ten commandments, to visit the Gortonists *en route*, and make sure that the writing received had really emanated thence,—a work of supererogation, to say the least.

Thus, so far as Massachusetts was concerned, matters stood from June, 1643, to September. But if during this interval the Puritans were quiescent, it was not so with their newly constituted *protégés*.

convert Indians by hiring them to come and hear sermons; they teaching them not to obey their Heathen Sachims. . . . The lives manners and habits of those whom they say are converted cannot be distinguished from those who are not, except it be by being hired to hear sermons, which the more generous natives scorne." And upon this point Roger Williams says (Letter to Mass., *R. I. Col. Rec.*, vol. i., p. 322): "The Indians which pretend your name at Warwick and Pawtuxet, and yet live as barbarously if not more than any in the country."

Pumham and Sacononoco, laden with gifts, and filled with the spirit of the Puritan Church Militant, — if not with a spirit of still higher potency, — returned home breathing forth threatenings and slaughter against heretics. Henceforth it was hot times at Shawomet. The Indians — conscious of the backing of Massachusetts, and refreshed by daily communings with the Arnolds, the official representatives (through William Arnold) of the Bay at Pawtuxet — waxed continually bolder in insolence. They shot the cattle belonging to the Gortonists in the sides with arrows; they in some instances killed the cattle outright, and hung the quarters in their wigwams; they skulked about the cabins, in the absence of the men in the fields, now and again hurling from their cowardly concealments sharp stones at the heads of the women and children; they stole everything they could lay hand on: even the princely Pumham, despite his high regard for the ten commandments, was caught in one instance, heavy with spoil, as he was escaping by way of the chimney. And it was no better with Sacononoco. His royal conscience permitted him fairly to revel in the personal effects of the settlers, as he came across them in the course of his prowling. “The Massachusetts are all one with Indian,” was the vaunting reply to any expostulation by the Gortonists at the liberties taken and insults practised.

Still, in this extremity, the powers of the Gortonists, trained in the art of retaliation, would seem to have proved no mean resource, for by

September both the Arnold coterie and the monarchs, Pumham and Sacononoco, were forced to throw up their hands and call on Massachusetts for help. Winthrop thus writes in his *Journal* on September 7th :

"Upon complaint of the English of Patuxet near Providence, who had submitted to our jurisdiction, and the two Indian Sachems there, of the continual injuries offered them by Gorton and his company, the general court sent for them . . . to come answer the complaints, etc. But they answered our messengers disdainfully, refused to come, but sent two letters full of blasphemy against the churches and magistracy."

Of the two letters to which Winthrop here refers, one at least has been preserved. It bears date, September 12, 1643, and is probably the most finished piece of invective that Gorton ever produced. The style is much more direct and cogent than that of the famous epistle despatched from Pawtuxet in November, 1642. One is almost led to believe that, in this instance, Gorton submitted his work to his companions for criticism, and that, through the joint efforts of the company, there was brought forth a masterpiece of its kind. Certain it is that nearly every phrase is well aimed, carries true, and must have exasperated to the last degree men of the stamp of most of the Puritan magistrates and elders.

The opening words are as follow :

"To the great and honored Idol General now set up in the Massachusetts, whose pretended equity in distribution of justice unto the souls and bodies of men is nothing else but a

mere device of man, according to the ancient custom and sleights of Satan, transforming himself into an angel of light, to subject and make slaves of that species or kind that God hath honored with his own image."

Then quickly comes this stroke :

"You have writ another note unto us to add to your former pride and folly, telling us again you have taken Pomham with others into your jurisdiction and Government, etc. . . . You might have done well to have proved yourselves Christians before you had mingled yourselves with the heathens ; that so your children might have known how to put a distinction betwixt you and them, in after times ; but we perceive that to be too hard a work for yourselves to perform even in times present."

The Puritans are then described as

"living by blood, . . . either through incision of the nose, division of the ear from the head, stigmatis upon the back, suffocation of the veins through extremity of cold by . . . banishments in the winter, or strangl[ing] in the flesh with a halter . . . for [to resume direct quotation] without the practice of these things, you cannot kiss your hand, bless your idol, nor profess your vows and offerings to be paid and performed."

Being such (the letter continues), and wanting others

"to betray the liberties God hath given us into your hands, you now work by your coadjutors — these accursed Indians. But you are deceived in us. We are not a cup fitted for your so eager appetite, no otherwise than if you take it down it shall prove unto you a cup of trembling, either making you vomit out your own eternal shame, or else to burst in sunder like your fellow confessor for hire, Judas Iscariot. . . . Know, therefore, [and here is a passage with an anticipatory touch of Junius or of Grattan in it] that our lives are set apart already

for the case we have in hand. . . . For we are resolved that according as you put forth yourselves toward us, so shall you find us transformed to answer you. If you put forth your hands to us as countrymen, ours are in readiness for you,—if you exercise your pen, accordingly do we become a ready writer,—if your sword be drawn, ours is girt upon our thigh,—if you present a gun, make haste to give the first fire, for we are come to put fire upon the earth; and it is our desire to have it speedily kindled."

The latter part of the letter is devoted to a scathing characterization of Pumham and Sacononoco. The former, in view of his chimney escapade, is alluded to with grim humor as "indeed an aspiring person, as becomes a prince of his profession"; and Massachusetts is plainly told that "as you tolerate and maintain these Indians in other of their daily practices, as lying, Sabbath-breaking, taking of many wives, . . . and fornication, so you will do also in their stealing and abusing of our children." At the end of the communication are the words: "The joint act, not of the General Court, but of the peculiar fellowship now abiding upon Mshawomet."¹

This defiance — more clarion than that of a Douglas, but which the pious author of the *Wonder-Working Providence* describes as "a whole paper of beastly stuff" — brought a quick response from Massachusetts. Here was blasphemy unmistakable, here was heresy full-grown, and the Theocracy saw its way plain before it. On September 19th, a note was despatched to the Gortonists, stating that the Bay Government was about to send commissioners to Shawomet to "lay open the charges against

¹ "Simplicite's Defence," *R. I. Hist. Coll.*, vol. ii., p. 262 (appendix).
VOL., I.—24.

them." "We give you also to understand," continued the note, "that we shall send a sufficient guard with our commissioners for their safety against any violence or injury." The commissioners themselves were Captain George Cook, Lieutenant Humphrey Atherton, and Edward Johnson. These, with a representative from the clergy and a squad of forty men-at-arms, set out on the week following that in which Gorton's letter was received, and soon reached Providence. Hearing of the advance of the party, the Gortonists met them by a messenger bearing a letter which warned them not to set foot upon the lands of the company, declaring that "if any blood be shed, upon your own heads shall it be." The commissioners replied that it was their desire to convince the Gortonists of the "evil of their way," and "cause them to divert their course"; failing in which, "we then shall look upon them as men prepared for slaughter."

These words when reported created consternation among the women and children of the Shawomet company, some of whom fled into the woods to hide themselves, and others to the water-side to take boat for Providence or Portsmouth. The soldiers, however, came upon the scene before those who were striving to escape by boat were all embarked, and levelled their muskets at the fugitives. This occasioned haste in pushing off the boats, and such as were behind were forced to throw themselves into the water, and by wading and swimming fairly to struggle on board. Indeed, the final result (in the case of the women) of the approach and threatening

demeanor of the soldiers was in several instances serious, and in two fatal. The wife of John Greene and the wife of Robert Potter both died from fright and exposure, while other women were brought to death's door through the pangs of premature childbirth. As for the men, they as far as possible aided their wives in escaping, but could do little ere the soldiers came in sight. With the arrival of the latter, the men, — including Gorton, who just had time to commit his wife ("great with child") to the care of some of his Providence neighbors that were following the soldiery, — betook themselves to a log house,¹ and prepared for resistance.

At this, the party from Providence — among whom were Chad Brown, Thomas Olney, William Field, and William Wickenden — went to the Massachusetts commissioners and insisted upon a parley. After some demur — chiefly upon the point whether those from Providence should be admitted as witnesses to the parley — consent was given. Accordingly the commissioners and some of the Gortonists met in the presence of the four from Providence above named, and gave each other audience. The Gortonists demanded why they were thus set upon. The commissioners answered, first because they had wronged the Arnolds

¹ "The place," says Judge George A. Brayton, "is well defined by tradition. It is now an open field south of the house belonging to the heirs of Stephen G. Warner, and between it and the small river or mill-pond" (*Rider's Hist. Tract No. 17*, p. 108). That Samuel Gorton owned the land on the mill-pond, or rather mill-race, is confirmed by a deed now in the possession of Mr. George Gorton of Providence.

Gorton lived at a later time at Warwick Cove, where until recently the ruins of his dwelling might be seen.

and Pumham and Sacononoco, all of whom were subjects of Massachusetts; and second, because they "held blasphemous errors" whereof they must repent or be taken to Boston for punishment. The Gortonists then proposed that the whole matter be referred for settlement to the "Honorable State of England." This was peremptorily refused. They next proposed that it be referred to local arbitrators, offering to pledge their "goods, lands, and persons" to satisfy any award that might be made. This proposal was so far entertained as to be made the basis for a truce while instructions were sought from the Massachusetts Government. During the continuance of the truce, the soldiers broke open the houses of the Gortonists, appropriated their writings, killed their swine for food for themselves and for certain of their Indian *protégés* whom they had brought with them, and made themselves comfortable on the bedding which they found.

Meantime, unknown to the men of the company, the Providence party (October 2d) addressed a courteous note to Governor Winthrop, stating :

"Some of their [the Gortonists'] wives and children (if a mournful spectacle might move you) do beg for a serious consideration of their husbands' and fathers' propositions, which if not hearkened unto, were like in man's eye to be left miserable. We would they were able to write their own grief, which now in pity we have respect unto."

On October 3d (?) Winthrop replied to the note in question, plainly disclosing in what he said that

it was principally to punish the heresy of the company at Shawomet that the expedition had been sent. His words were :

"You may do well to take further notice that besides the title of land between the Indians and the English there, there are twelve of the English that have subscribed their names to horrible and detestable blasphemies against God and all magistracy; who are rather to be judged as blasphemers (especially if they persist therein) rather than they should delude us by winning time under pretence of arbitration."

Some days later the commissioners themselves received word from Boston, and the word was that they were to proceed to execute their orders without further delay. In his *Journal* Winthrop notes the grounds for this decision, and also that in reaching it, certain of the elders (who were called in) were largely instrumental. These grounds were, (1) "because [the Gortonists] would never offer us any terms of peace before we had sent our soldiers"; (2) because the former, by the submission of the Arnolds and of Pumham, were within "our jurisdiction"; (3) because the Gortonists "were no State but a few fugitives living without law or government"; (4) because "the parties whom they would refer [the matter] unto for arbitration were such as were rejected by us and all the governments in the country"; (5) because "their [the Gortonists'] blasphemous and reviling writings were not matters fit to be compounded by arbitration, but to be purged away only by repentance and public satisfaction, or else by public punishment"; and (6) because "the Commission and

instructions being given by the General Court, it was not in our power to alter them."

Negotiations having failed, the Massachusetts force proceeded to intrench themselves within good musket range of the log house held by the Gortonists, and when the work was completed at once opened fire. The beseiged, on their part, hung the colors of "Old England" from their rude battlements, but, despite the fact that the banner was riddled with shot, made no return upon the enemy. The attack had been fruitlessly kept up for several days when the Sabbath came on. It was the expectation of the Gortonists that in view of the Sabbath, which was to the Puritans a day of the utmost sanctity, the attack would be suspended. But the knights of the Theocracy, evidently thinking the destruction of heretics a task eminently befitting God's Day, signalized the same, in its dawning hour, by attempting to burn the shelter of their stubborn foe. It furthermore was the intention of the attacking party to make, under cover of the conflagration, a charge upon the house, and — as their captain (George Cook) was overheard to say — to put every inmate to the sword. But the wind proved contrary and drove the flames away from the structure,—an incident which much encouraged the Gortonists, who "called cheerfully upon the Captain to come on and bring up his men," for, they assured him, "he should find [them] very cheerful spirits to deal with, and [they] would make him as good a Sabbath day's breakfast as he ever had in his life."

The failure of the plan to burn the Gortonists out of their fortress seems to have inclined the commissioners to further parley, for a truce was now arranged, and as a result the besieged consented to accompany the commissioners to Boston. Gorton himself insists, in *Simplicite's Defence*, that the agreement was explicit that "we should go along . . . as free men and neighbors," and not as captives; and although this was denied by Captain Cook, there is strong warrant for believing the statement of Gorton. If the reader will turn, in volume ii. of the *Rhode Island Historical Collection*, to Appendix X., he will find the following explicit though unintentional confirmation of Gorton's claim by Massachusetts itself: "They charge our Commissioners with breach of covenant in not keeping those honorable terms which they yielded upon, etc; . . . the grand condition which they insisted upon in their surrender, it was that they should go down with our Commissioners unbound, and have safe conduct; which they had, not being bound, but in that respect as much at liberty in the journey as any of ours." They were not bound, it is true, but how about the "safe conduct"? We shall see presently.

Meanwhile, personally, I cannot forbear the expression of disappointment and chagrin that the Gortonists, who were well supplied with arms and ammunition, did not make use of them upon their enemy during the attack, instead of limiting themselves to a purely passive resistance. Gorton states that it had been the resolve of his company

"to take away the lives of none of their countrymen unless they offered to enter violently upon us, or else that we were forced out upon them by the firing of our house." This is humane (it was perhaps also wisdom, in view of the inevitableness of final defeat), but it is hardly Gortonian. It does not quite keep pace with the fiery invective of those Junius-Grattan passages wherein Massachusetts is challenged to draw the sword, for "ours is girt upon our thigh," and is told that "if any blood be shed, upon your own heads shall it be."

But whether wholly in character or not, the company at Shawomet capitulated without bloodshed, and, their weapons having been seized, and their cattle — to the number of four-score head — having been divided as spoil, were all marched away. Up to this point the clergyman with the command had found little to do. But now, as with captives in train, the command came into the jurisdiction of the Theocracy, the wielder of the sword spiritual caused a halt to be made in various towns, while, in the words of Gorton, he "gathered the people together in the open streets, and went to prayers that the people might take notice that what had been done had been done in a holy manner and in the name of the Lord." In Dorchester a crowd was found already assembled under the Rev. John Cotton and the Rev. Richard Mather; and here, as Gorton has it, "they placed us at their pleasure, as they thought fit to have us stand, and made vollies of shot over our heads in sign of victory."

Boston was reached at last. The command was paraded before the door of Governor Winthrop's house while the captain and other commissioners went within to announce to the Governor in person the successful accomplishment of their mission. The latter shortly issued forth, and passing through the files bestowed his blessing upon the soldiers, thanking them and asking from the captain a list of their names. "We thought he did it," says Gorton, "to imitate Melchisedek coming out to bless Abraham when he came from the slaughter of the Kings, in the rescue of Lot, he did it so gravely and solemnly." The ceremony of the blessing over, the prisoners were brought before the Governor "in his hall," and committed to await the next meeting of the General Court.

The arrival of the Gortonists in Boston created intense excitement throughout Massachusetts. Indeed, in the Bay Commonwealth of 1643 a band of heretics, so bold and contumacious as these, was regarded very much as a band of red-handed Anarchists would be now. "The country came in on every side," says Gorton, "to understand the cause why [we had been so proceeded against]." To satisfy public curiosity, and, likewise, no doubt, their own, the magistrates decided that the prisoners should be compelled to come to meeting on the next Lord's Day, and hear a sermon of high admonition from the Rev. John Cotton. There was the greater likelihood of entertainment from the fact that the Gortonists had been promised an

opportunity to reply to what should be said, in case they found occasion.

The edifice in use for sacred purposes in Boston was no longer the mud-walled structure which had resounded to the voice of John Wheelwright in the Fast-day Sermon. A new house of worship had been built at a cost of a thousand pounds. It stood near the site of the old, and was fitted out, according to the taste of the time, with lofty pulpit, gallery, and high enclosed pews for "the quality." Hither the Gortonists were brought, on the Sabbath in question, and placed "in the fourth seat right before the elders," where they must endure both the silent fire of the elders' eyes, and the audible fire of Cotton's discourse as it hurtled over the elders' heads. The reverend teacher's text was from that part of Acts xix. which relates to Demetrius and the silver shrines for Diana. After the sermon, Gorton arose and made an effective point against Cotton by comparing the ordinances and sacraments of the churches to those same silver shrines at Ephesus, which were but "men's inventions for show and pomp." It is, I think, safe to say that our Professor of Christian Mysteries rather enjoyed this first attendance upon divine worship in Boston, enforced though it were. But that he grew weary of the enforced attendance of subsequent Sabbaths is fairly to be inferred from his description of the spiritual food furnished by the Puritans as "only to be digested by the heart or stomach of an ostrich."

The General Court assembled during October

(the current month) and Gorton and his followers were duly arraigned. No witnesses appeared against the prisoners; they were arraigned solely upon their letters. Just what the charges, as made up from the letters, were to be, evidently gave the court some trouble. Indeed, no specific charges were made till near the end of the trial,—that is to say, till just before sentence was pronounced,—when the company were informed that they were “charged to be blasphemous enemies of the true religion of our Lord Jesus Christ, and of all his holy ordinances, and likewise of all civil government among his people, and particularly within this jurisdiction.”¹ Before this Gorton had demurred to the jurisdiction of the court, and had denied the accuracy of the court’s construction of his letters as set forth in a bill of twenty-six particulars.

The question of jurisdiction was disposed of by the virtual admission that the jurisdiction assumed was that with which Massachusetts was clothed by superior might.² There was then begun a long, tedious inquisition into the religious opinions of Samuel Gorton. The court, supported by a committee of elders, sat in secrecy behind guarded doors, and the prisoners were brought separately forward for examination. The object apparently was to entrap them into some heretical or blasphemous utterance. With the same object, certain

¹ Winthrop’s *Journal*, ii., 146.

² The court said: “If they [the Gortonists] were under no jurisdiction, then had we none to complain unto for redress of our injuries; and then we must either right ourselves and our subjects by force of arms, or else we must sit still under all their reproaches,” etc.

of the elders and church members visited the Gortonists in prison; and so two or three weeks were consumed. The public, meanwhile, were kept amused by sermons from the Rev. John Wilson and the Rev. John Cotton: the former "pressing the magistrates and the people to take away the lives" of the Gortonists, citing for warrant copious Old Testament Scripture, such as the case of the King of Israel and Benhadad and that of Samuel and Agag.

At length it was seen that matters must be brought to a head, and Gorton himself (by this time—in Puritan imagination—raised almost to the state of a fallen angel in blackness) was summoned into the presence of Winthrop and the magistrates, and told that "he was now to answer some things that should be propounded unto him upon his life." These were four queries, viz.: (1) "Whether the Fathers, who died before Christ was born of the Virgin Mary, were justified and saved only by the blood which he shed, and the death which he suffered after his incarnation"; (2) "whether the only price of our redemption were not the death of Christ upon the cross, with the rest of his sufferings and obediences in the time of his life here, after he was born of the Virgin Mary"; (3) "who is that God whom he thinks we serve"; (4) "what he means when he saith, We worship the star of our God Remphan, Chion, Moloch?" And not only were these queries to be answered by Gorton upon his life, but, he was told, they were to be answered in writing and within fifteen minutes.

One might well suppose a time limit of fifteen minutes, upon answers to queries involving the fundamentals of the entire dispensation of Christ, to be calculated somewhat to perturb even a Professor of Christian Mysteries, but Gorton did not flinch. He merely remarked that while he could give answer within the time named, he could hardly promise to do so satisfactorily. He was then granted half an hour, and no sooner had he taken his pen well in hand than word was brought to him that, as it was Saturday afternoon, and hence the eve of the Sabbath, he might take till Monday morning.

The answers which, on the morning in question, Gorton submitted to the court show either that he did not comprehend his own theology sufficiently to discriminate it in essentials from orthodox Puritan belief, or else that (convinced that so to discriminate it meant certain death) he chose to let it be thought not to differ in essentials from Puritan orthodoxy. Thus his answer to the first query was, substantially, "yes"; to the second, "yes"; to the third, "the true God"; and to the fourth, an ambiguous explanation which cleared up nothing. It is evident that the Theocrats were vastly disappointed at the replies which their queries had elicited. They had counted upon Gorton's laying himself open as he had done in his letters. But he had not done so, and therefore the whole high tragedy which they had conceived of as involved in his capture and inquisition had come to naught; had in truth fallen to bathos and flat anti-climax.

Winthrop's vexation distinctly appears in such entries in his *Journal* as this: "They excel the Jesuits in the art of equivocation"; "they would acknowledge no error or fault in their writings, and yet would seem sometimes to consent with us in the truth." And it is a remark of Gorton's, the irony of which (were it not thoroughly unconscious) would be thoroughly Mephistophelian, that the Governor having said to him that the court and elders "were one with him in those answers," he replied that "he was very glad of it, for he loved not differences and divisions amongst men."

The Gortonists were beginning to prove a Tartar to Massachusetts. They had been easily caught, but the question what to do with them, now that they were caught, was difficult. Winthrop mournfully records that "after divers means had been used both in public and private to reclaim them, and all proving fruitless, the Court proceeded to consider of their sentence, in which the Court was much divided." He further records that "all the magistrates, save three, were of the opinion that Gorton ought to die, but the greatest number of the deputies dissenting, that vote did not pass." The escape, however, was by an exceedingly narrow margin; Gorton himself ascertained that he was saved by two votes only.¹ The sentence which

¹ One of these votes was cast by John Endicott. "'Not to save our lives,' Endicott sayd, 'but only som space of tyme to be given before execution'"; and when "som of the Court moved to have it put to vote againe, . . . the Governor Mr. John Winthrope, answered, 'the finger of God is in it, let it go as it is.'"—Letter of Gorton, *et al.*, to Earl of Clarendon, April 4, 1662, J. Carter Brown Library.

at length was passed upon Gorton and his followers was that they should be dispersed among the several towns of Massachusetts, there, in each instance, with irons upon the leg, "to work for their living, and not to depart the limits of the town, nor by word or writing maintain any of their blasphemous or wicked errors, upon pain of death."

Accordingly the fetters were imposed, and the company having, on Lecture day, and in their iron furniture, listened to a final admonition from Cotton in that sanctuary which, in the words of Gorton, "had set the sword on work to such good purpose," were forthwith sent to their respective places of confinement.¹ But the matter was not so speedily ended. Just as in the case of Roger Williams after sentence, so in that of the Gortonists, it was found that "they did corrupt some of our people, especially the women, by their heresies." This the Theocracy, true to its nature, of course could not endure, and it was resolved at the ensuing court that, as it was more dangerous to keep the Gortonists prisoners than to set them at liberty, the latter should be done. They were therefore relieved of their fetters, and ordered to depart within fourteen days out of the jurisdiction of the Bay, and out of that of Providence and of the sachems Pumham and Sacononoco; a return

¹ Those sentenced were Gorton, Wickes, Holden, Potter, Carder, Weston, and Warner. Wodell was enjoined to remain at Watertown. Waterman, Power and Greene had escaped from the house. Power afterwards came in, and, denying that he had signed the letters, was dismissed. Waterman gave bonds to appear at the next court, and Greene was not molested.—*"Simplicities Defence," R. I. Hist. Coll., vol. ii., p. 137, note.*

would be visited with death. Gorton strenuously objected to the removal of the irons from his leg on the degrading terms announced, but no attention was paid to him. It doubtless would have given him satisfaction to drag his chains through the various settlements from Boston to Narragansett Bay, pointing to them as eloquent witnesses of the persecuting tyranny of the Puritans; but the Puritans were too wise to add anything further to the titles as martyr which Gorton already so lavishly possessed.

Quitting Boston, Charlestown, and the other towns of their imprisonment, the members of the Shawomet company made their way to Aquidneck, the only spot within reach out of which they had not been banished by Massachusetts. On their way, however, they stopped for one night amid the ruins of their former habitations, and there (March 26, 1644) penned a note to the government of the Bay, asking whether they were to understand that Shawomet was one of the places interdicted to them. An answer was soon received, stating that Shawomet was one of the places, and that the court's order was not meant as a "scare-crow," but as real and effectual; as they would discover, should they presume to transgress it.

At Portsmouth upon Aquidneck the Gortonists were joyfully received.¹ They would not have been so joyfully received at Newport where the Coddington or aristocratic element was strongest.

¹ Morton's *N. England's Memorial*, quoted by Deane, *N. Eng. Hist. and Gen. Reg.*, July 2, 1850.

But Portsmouth was democratic: there Gorton had once been a citizen; there he had enlisted most of his followers; there, too, had been the home of Anne Hutchinson, with whom he had collaborated, and with whom he had joined in opposing the union with Newport. Aquidneck as a whole, or rather Aquidneck as represented in its government, had, it is true, dealt severely with the Gortonists as eccentric and troublesome inhabitants. But with them as refugees from the Puritan Theocracy, as martyrs with the very crowns of thorns upon their heads, the government could deal only in long suffering, and so it did.

From the standpoint of the moment, how completely successful had been the strategy of the Arnolds! The overlordship of Miantonomi, as to Shawomet and Pawtuxet, had been superseded by that of Massachusetts, and the material fortunes of the conspirators seemed to have been made thereby.¹ Massachusetts itself, moreover, had been enabled to gratify the wish, long cherished, of — as

¹ Later on, the Arnold coterie tried the legal effect of their purchase from Sacononoco by a suit in the Massachusetts Court against their co-proprietor of Pawtuxet, William Harris, but not with the hoped-for result. The trial took place, July 31, 1650, and stands thus entered upon the Suffolk County records: "Robert Cole and William Carpenter plff. against William Harris in an action of trespass upon their land and for a piece of marsh purchased of Sacononoco. William Arnold confessed that Harris did pay his part of the purchase. The Court ordered there should be a division of the Land. Jury find for the defendant," etc. Harris, himself, commenting upon the trial, said: "And then [the Arnold coterie] got one Sarononoco to submit himself and Land to the English & then made a pretended purchase of Sarononoco of that Land which they with us had paid for divided and held by the Narragansett Sachems & summoned me to appear at Boston to answer their Demand, where I found of the most very good Justice, but most especially of Mr. Dudley then Governor
VOL. I.—15.

Winthrop has it — "drawing in the rest in those parts who now lived under no government, but grew very offensive." Nor had the Bay Government — with that keen eye to windward for which New England has ever been distinguished — found it anything to be regretted that, "the rest in those

whose ears could so try words (inspiritively) that he without any witness told my adversary he doubted his case was naught, which my adversary Confessed."—*R. I. Hist. Soc. Pub.*, n. s., vol. i., p. 203.

And in May, 1708, Howlong Harris, the daughter of William Harris, wrote as follows to the Rhode Island General Assembly at Newport: "Mr. Arnold and his son in law Rodes bought the meddows and lands upon pautux River on the west side of Pachaset Rive over again of the Indians after a Mr. Roger Williams had purchased them of the Indian Sachims. Old Mr. William Arnold and Mr. William Carpenter and their associates had subjected them selves to Boston Government. In them times ad Mr. Arnold and Mr. Carpenter maid complaint to Governour endecote [Dudley] of Boston that William Harris was settled down upon their land. Governour endecote summoned my father down to Boston to answer to the complaint. . . . I heard my father say he informed Governour endecot and the court that he, father himself, was one of the purchasers of the Town Ship of Providence. . . . Governour Endecott poyntted out his finger at William Arnold and said, is it so, old man? is it so? and Mr. Arnold and Mr. Carpenter hanged down their heads and made no answer."—*R. I. Hist. Soc. Pub.*, n. s., vol. iv., pp. 195, 196.

But it has been suggested that the Arnold coterie, or at least William Arnold, tried means for obtaining possession of Pawtuxet far more desperate than bringing suit in Massachusetts under the act of submission by Pumham and Sacononoco. Sometime prior to 1650, the original deed to Roger Williams — the town evidence — had been entrusted to the hands of William Arnold. On May 4, 1650, in a suit by William Field against Arnold, the fact came out that the town evidence, either through accident or by design, had suffered mutilation. The part embracing the Pawtuxet purchase had disappeared as though cut or torn away, and the edges of the paper above and below this part had been neatly brought together. Field drew the inference that the mutilation was wilful, and for the purpose of destroying all evidence that the Pawtuxet lands were embraced in the conveyance to Williams by the sachems. Thus in a letter to the Massachusetts magistrates, written by Field subsequent to 1650, the following language is used: "Now sirs I conceive this William Arnold to obtaine his owne ends to deprive us of our wright of ye said lands of Pautuxet, that we might have nothing to show for it as indeed it was often thrown to us by

parts" once "drawn in," "the place" (to quote from Winthrop again) "was likely to be of use to us . . . for an outlet into Narragansett Bay."¹ But with regard to the way in which the "drawing in" had been effected, whatever the opinion of that day may have been, the opinion of this heartily endorses the firm statement of Mr. Charles Deane (himself of Massachusetts), that it was "atrocious"; and also the statement of the English historian of New England, Mr. J. A. Doyle, that by it the truth is made plain that "the New England Puritan had indulged his desire to force his own profession of

some what have we to show for it — there is nothing in the evidence wee little thinking wee had beene so served. Cunningly cut out or otherwise got out of the said Evidence all concerning the said our wright of Pautuxet and pasted the said writing together againe so cunningly that it could hardly bee [observed] but by those who well know by Roate what was formerly in ye Evidence but it so happeneth that by Gods providence there is a copy or two of his owne hand writing (which I conceive he had forgot) to bee seene which compared with the deformed Evidence doth fully demonstrate his naughty and evill intent."—*Prov. City Hall Papers, No. 01203*.

Arnold's explanation of the mutilation — made on three several occasions — was that "his Wife had given [the paper] with garden Seeds to some of providence and so it was Torn" (*R. I. Hist. Soc. Pub.*, n. s., vol. i., p. 205; *Prov. Rec.*, vol. xv., p. 30, vol. iv., p. 70). There is, it must be confessed, but little in the character of William Arnold to lead to a ready acceptance of this explanation. But the circumstance (alluded to by Field) that Arnold himself had made copies of the town evidence, copies which contained the Pawtuxet grant, and that these had been allowed to go out of his possession (William Harris and Thos. Olney, Sr., each had one — *R. I. Hist. Soc. Pub.*, n. s., vol. i., p. 205), renders it, I think, improbable on the whole that the mutilation was wilful.

¹ It is the pertinent observation of Mr. Sydney Howard Gay (*Hist. U. S.*, vol. ii., p. 72), that "the good Governor who was so apt with Scriptural illustration might have been reminded of the narrative in which it is related how Naboth the Jezreelite had a vineyard which was in Jezreel hard by the palace of Ahab of Samaria. And Ahab spake unto Naboth, saying, 'Give me thy vineyard that I may have it for a garden of herbs, because it is near unto my house.'"

faith on his fellow-man till it had become a morbid and overwhelming passion."¹

We thus reach the end of our narration of the second of those two occurrences which rendered memorable in America the period of Roger Williams's first absence in the mother country. Williams arrived at Boston in September, 1644. Protected by a safe-conduct from the Earl of Warwick, head of the Commission for Foreign Plantations, he was enabled to pass through Massachusetts² to Seekonk—the spot of his first planting. Here he was met by a flotilla of fourteen canoes, and, as the procurer and bearer of the patent of civil incorporation for Providence Plantations, was escorted in miniature triumph to the shores of the new commonwealth.³

After the great apostle of Toleration left England,

¹ *The Eng. Cols. in America*, vol. ii., p. 245.

² "Upon the receipt of the said letter [the safe-conduct] the Governor and the Magistrates of the Massachusetts found upon examination of their hearts they saw no reason to condemn themselves for any former proceedings against Mr. Williams; but for any offices of Christian love and duties of humanity they were very willing to maintain a mutual correspondence with him. But as to his dangerous principles of *separation* unless he can be brought to lay them down they see no reason why to concede to him or any so persuaded free liberty of ingress and egress, lest any of their people should be drawn away with his erroneous opinions."—Hubbard in *Mass. Hist. Coll.*, 2d ser., vol. vi., p. 349.

In 1676 (March 31st), the Massachusetts General Court so far relaxed the rigor of the decree of banishment against Williams as to pass an order that if the exile should see cause and desire it, he should have liberty "to repair into any of our towns during these public troubles [Philip's War] he behaving himself peaceably and inoffensively and not disseminating and venting any of his different opinions in matters of religion to the dissatisfaction of any."—*Acts Commrs. United Cols.*, vol. ii., Introduction.

³ Letter by Richard Scott printed as an appendix to Fox's *Fire Brand Quenched*.

the detonation of his bold utterances in the *Bloody Tenet* was for some months audible. It was audible in the resolution by the House of Commons, in August, that "Mr. White do give order for the public burning of one Mr. Williams his book . . . concerning the Toleration of all sorts of Religion."¹ It was audible in the counter-stroke by Cromwell in September, whereby the same House resolved to refer to the "Committee of Both Kingdoms" "the accommodation or toleration of the Independents,"—a proceeding which fairly took the good Baillie off his feet, as is made evident by his allusion to it as "high and unexpected." And once more it was audible in Dr. Daniel Featly's reprobation (in his *Dippers Dipt*) of "the book called the *Bloody Tenet*," as filled with "most damnable doctrines tending to carnal liberty." But in some respects the most detonating stroke for Soul Liberty made either in Old or New England in these famous years, 1643 and 1644, was the defiance of the Massachusetts Theocracy by the Gortonists of Shawomet,—a defiance none the less effectual that (as Edward Winslow no doubt truly states in excerpting from the letters in which it was contained) the Gortonian "orthography was so bad" it had to be left "to be corrected by the printer."²

¹ "Where was the younger Sir Henry Vane?" asks Professor Masson, in view of this action by the House. "Probably he was in the House while they passed the order and wondering how far Roger Williams had got on his voyage and meditatively twirling his thumbs."—*Life of Milton*, vol. iii., p. 162.

² Gorton's own orthography was not always unexceptionable, but his chirography was. A more regular or more beautiful hand is seldom to be seen. Specimens are preserved in the R. I. Hist. Soc. Cabinet, the J. Carter Brown Library, and Prov. City Hall.

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Political Individualism Granted Large Recognition in the First Rhode Island Constitution, but Sought to be Checked in its Advance by William Coddington

CHAPTER VIII

ORGANIZATION OF PROVIDENCE PLANTATIONS AND DEATH OF CANONICUS

AS we have seen in the last chapter, Gorton and his company were hospitably received at Portsmouth after their return, in March, 1644, from chains and slavery in Massachusetts. To use Gorton's own words, "we were permitted to hire houses and grounds to plant upon for the preservation of our families."

But hardly had they established themselves when a message was brought that their presence was desired by the great sachem Canonicus. The Narragansetts, it seems, had been close observers of what had befallen the Gortonists during the autumn and winter preceding. They had heard the discharges of musketry that betokened the assault upon the log house; had been told of the capture of the inmates, and of the cruelties inflicted upon them by the Puritans. All this, too, they had perfectly comprehended, for it was in accordance with Indian custom. But now something had occurred which was not in accordance with Indian custom, and which they did not comprehend.

The captives, after torture, had been released instead of being put to death. What could this mean? To the Indian it could mean only one thing: the tribe in England to which the Gortonists (Gortonoges) belonged must — for the Narragansetts had heard of fighting in England — have gained the victory over the tribe to which the Puritans (Wattaconoges or Englishmen) belonged, a circumstance which had inspired the Wattaconoges with a wholesome respect for their captives. If this were true, it might signify much to the Narragansetts themselves; for was it not the Wattaconoges in America who had put to death the beloved Miantonomi whom the Gortonoges had befriended? So it was decided to send for the Professor of Christian Mysteries and his followers, and obtain light.

Just where Canonicus awaited the party from Portsmouth — whether near Wickford, or on Conanicut Island — we do not know, but they were received by an armed guard and ushered before the patriarch amid joyous demonstrations. Next they met Pessicus — the brother and political successor of Miantonomi — at his house, and were detained in long consultation with “divers Sachems and chief counsellors.” The latter told us, says Gorton, that “they thought we belonged to a better Master than the Massachusetts did.” Summoning, therefore, a grand assembly of their nation, “they concluded with joint and unanimous consent to become subjects to the State and Government of Old England.”

The practice of securing the protection of a superior power by voluntary submission thereto had by this time become quite the fashion in New England. Massachusetts, in 1641, had given the cue in the case of the thirteen Providence complainants. This the Arnold coterie had been the first to take; and afterwards, through the influence of the Arnolds, it had been shrewdly taken by the princes, Pumham and Sacononoco. It was now the opportunity of the Narragansetts to take it, and they did so in a way that reflects the highest credit upon their sagacity. The suggestion has indeed been made that the submission of the Narragansetts was the work of Samuel Gorton; but it was by no means too shrewd a piece of statecraft for old Canonicus; and, however much Gorton may have aided in its furtherance, its inception was probably Indian. Be that as it may, the act in the sequel proved to be of controlling importance for Rhode Island. In the capable hands of Randall Holden and John Greene it saved to the commonwealth—as we shall see in Chapter XV.—the rich province of Narragansett.

The deed of submission, bearing date April 19th, was signed by Pessicus and Canonicus, and by Mixan, son of Canonicus. It recites that the signers, together with all their people and subjects, voluntarily subject themselves and their possessions

“unto the protection and government of that worthy and royal Prince, Charles King of Great Britain and Ireland, to be ruled ordered and disposed of according to his Princely wisdom, and laws of that honorable State of Old England,

upon condition of his Majesty's royal protection and righting of us in what wrong is or may be done unto us. *Nor*," continues the instrument, "*can we yield over ourselves unto any that are subjects themselves in any case*, having ourselves been the chief Sachems or Princes successively of the country time out of mind."

In conclusion, Samuel Gorton, John Wickes, Randall Holden, and John Warner are deputed "for the acting and performing of the deed," and for its "safe custody and careful conveyance" unto his Majesty, the King.¹

Shortly after the execution of the deed in question, the Narragansett sachems were summoned to appear before the Massachusetts General Court to explain their course in preparing (as was rumored) to revenge upon Uncas the death of Miantonomi. In reply, the sachems sent word that they and their people were plunged in grief over the loss of their late ruler, and, besides, had subjected themselves to King Charles, wherefore they hoped it would not be taken ill though they resolved "to keep at home." Massachusetts was nettled at this language, and sent two commissioners to the Narragansetts to ask "by whose advice they had done as they wrote, and why they would countenance and take counsel from such evil men, and such as we had banished from us." The reception accorded the commissioners was both literally and diplomatically cool in the extreme. They were left for two hours standing in the rain before the closed tent of Canonicus, and when at last admitted to an au-

¹ *R. I. Hist. Coll.*, vol. ii., p. 158.

dience, obtained from the aged barbarian naught but "a few froward speeches."

Meanwhile Governor Winthrop, perceiving that the Gortonists "still abode among the English and were not gone to the Dutch," wrote a private letter "to some in the Island" appealing to them as old-time members of the Boston Church "to *work* the people [as Gorton has it] to deliver us up into their hands again."¹ There can, I think, be no doubt but that the "some in the Island" to whom the Governor wrote were, when reduced to precise terms, no other than William Coddington. The latter was at this time by no means satisfied with the Aquidneck political situation, and, under an injunction of secrecy, was unbosoming himself in frequent letters to Winthrop. Thus in a communication of date August 5, 1644, he wrote: "For Gorton, as he came to be of the island before I knew it, and is here against my mind, so shall he not be by me protected."² The London

¹ *R. I. Hist. Coll.*, vol. ii., p. 165.

² *Mass. Archives* ii., 4, 5 (copy among R. I. Hist. Soc. Papers). The letter also contains these words: "I desire to hear from you, and that you would bury what I write in deep silence; for what I write I never imparted to any, nor would to you, had I the least doubt of your faithfulness that it should [not] be uttered to my prejudice."

As late as November 11, 1646, Coddington wrote to Winthrop: "For Gorton and his company they are to me as they have ever been, their freedom of the island is denied, and was when I accepted the place I now bear." The remainder of the letter shows plainly the desire of the writer to aid Massachusetts in hindering the union of the Narragansett towns under the patent procured by Williams. Thus: "The Commissioners have joined them in the same charter tho' we maintain the government as before. To further that end wrote of [discrediting the Gortonists], I sent to Mr. Cotton to be directed to Mr. Elliott that requested it, what was entered upon record, under

clothier, however, was too popular just now to be successfully interfered with, and Coddington's ill-will toward him found no chance for expression. In fact, in the course of this very year we find Gorton filling the position of magistrate at Portsmouth, and not only so, but in November he renewed his reputation as an agitator by heading a meeting "for a new disposall" of the lands formerly given out; "as if some [according to Elder John Brown of Plymouth, who was present on the occasion] had too much and some too little, and for no respect of persons, and their estates to be laid aside,—a most vile end."¹

The efforts of Massachusetts, through Coddington, to get Gorton again into its power, or at least to get him out of New England, were supplemented by an attempt to colonize Shawomet with good Puritans. But in this instance the scheme of Massachusetts was nipped in the bud by Plymouth. The Pilgrims detested Gorton, nor did they wholly love the Bay.² When they had commended the Antinomian refugees to Aquidneck they, in the Secretary's hand, which I do think you may do well to make use of, because I hear it sinks most with the Earl, where they had liberty of conscience. . . . and so in haste not doubting as occasion serves to approve myself yours ever."—*N. Eng. Hist. and Gen. Reg.*, 1st ser., vol. iv., p. 221.

¹ Winslow's *Hypocrisy Unmasked*, p. 83. Very probably this meeting "for a new disposall of lands" was a meeting held to protest against that system of close corporation ownership of the common lands by which a few persons were able to appropriate a vast area, as at Providence, and from which Gorton had, as we have seen at Chapter VII., suffered so much.

² "At the time of their first neighborhood there, they [Plymouth and the Bay] were at a distance and stood aloof one from the other as each thinking I am holier than thou; the men of Plymouth coming thither from Amsterdam, and the other out of hot persecutions of the Bishops in Old England."—"Simplicite's Defence," *R. I. Hist. Coll.*, vol. ii., p. 168.

words of Elder John Brown, had had "speciall eye to Mr. Coddington, Mr. Brinton," etc., and not to such characters as now for the second time were creating disturbance at Portsmouth. But while this was true, they could hardly sit by and see the powerful Bay Commonwealth absorb a tract to which its right was if anything less than that of Plymouth; so, through Elder Brown, they proceeded to warn away from Shawomet both the Gortonists and Massachusetts.¹ The warning was happy for the former, for it operated as a sort of stay of proceedings until these unfortunates could go to England and apply for redress directly to the Parliament.

Gorton, accompanied by Randall Holden and John Greene, set sail some time in November or December, 1644, and reached London in January. He at once proceeded to prepare for publication his account of the maltreatment of himself and followers (the *Simplicities Defence*), and by August the book was for sale by "Luke Favvne in Paul's Churchyard at the Sign of the Parrot." The next step was to secure a hearing before the Commissioners of Foreign Plantations. This in due time was effected, and by May or early June, 1646, Randall Holden was able to take ship for Boston, carrying with him an order to Massachusetts from the Earl of Warwick and his associates, that the Gortonists,

"and all such as shall hereafter join with them, be permitted

¹ *Hypocrisy Unmasked*, p. 83; *R. I. Hist. Coll.*, vol. ii., p. 168; Winthrop's *Journal*, ii., 252.

freely and quietly to live and plant upon Shawomet, and such other parts of the said tract of land within the bounds mentioned in our said charter . . . without extending your jurisdiction to any part thereof, or otherwise disquieting them in their consciences or civil peace or interrupting them in their possession, until such time as we shall have received your answer to their claim in point of title.

The order also required Massachusetts "to suffer Mr. Gorton, Mr. Holden, Mr. Greene, and their company, with their goods, etc., to pass through any port of that territory which is under your jurisdiction . . . without molestation, they demeaning themselves civilly."¹ Upon the presentation of the foregoing order by Holden, the indignation of the Bay magistrates waxed high, but they choked it down, gave the Gortonists free passage, and in the course of a few weeks had despatched Edward Winslow to appear in their behalf before the Parliament's commissioners.

Winslow's efforts consisted in writing the pamphlet, *Hypocrisy Unmasked*, in which the history of Gorton is minutely set forth, and in personally championing before the commissioners the cause of the Bay. All that he accomplished, however, was to obtain an assurance that, if it were "to fall in upon proof" (as he, under solemn authorization from Plymouth, contended) that the Shawomet lands lay within the Plymouth patent, this fact would "much alter the state of the question." But Winslow, although waiting a whole year, was never put in position by Plymouth to make it "fall in

¹ *R. I. Hist. Coll.*, vol. ii., pp. 195, 196.

upon proof " that the Plymouth patent extended to Shawomet, and has left upon record his sense of personal mortification and chagrin at the failure of the Pilgrim Colony to make good its word.¹ As for Samuel Gorton, he remained in England watching Winslow and busying himself ("at Sister Staggs'" and elsewhere)² in his favorite work of elucidating the mysteries of Christ till the spring of 1648. He then returned to Shawomet—re-christened Warwick by its grateful inhabitants—and settled down to a life which, save for the Warner incident to be related in the next chapter, may perhaps best be characterized as one of decorous monotony.

Following the fortunes of the Gortonists, we have been led up to and beyond the time when the organization of Providence Plantations under the patent—the principal topic of the present chapter—had begun to be effected. Still, before dealing with this topic, it will be well to take note of three things which have been passed over.

These are: first, that on March 13, 1644, the

¹ *R. I. Hist. Coll.*, vol. ii., p. 205. "If I could not then answere it, how much lesse now after another yeare if not 18 months expiration; but the will of the lord must bee done in it however I suffer in my Reputation heere; to make soe great a Busler and forced to let all fall at last; had I not had particulare instruction from Plymouth therein I had never stired in it, but I shall bee more wayre heerafter how I engage in business of that nature," etc.—Hazard's *State Papers*, vol. ii., p. 179.

² "This I am assured of from various hands that Gorton is here in London and hath been for the space of some months; and I am told also that he vents his opinions and exercises in some of the meetings of the sectaries, as that he hath exercised lately at Lamb's Church, and is very great at one Sister Staggs."—*Gangrana*, part ii., p. 144.

General Court of Aquidneck changed the name of the Island to the "Isle of Rhodes or Rhode Island"¹; second, that on August 27, 1645, the Narragansett Indians, who had stealthily been wreaking vengeance upon the Mohegans for the death of Miantonomi, were forced by Massachusetts to submit to a fine of two thousand fathoms of wampum; and third, that on February 9, 1645-46, an important economic step was taken at Providence by the admission into the circle of the proprietary class, or corporation, of such persons otherwise acceptable as were able to purchase a one-fourth interest in the monopoly. These purchasers were called "quarter-rights" or "twenty-five-acre men," and were received on the express

¹ Just what led the people of the Island to adopt the name "Rhode Island or Isle of Rhodes," is an interesting question. Two opinions have found advocates: one that they had in mind a paragraph from Hakluyt's *Voyages*, printed in London in 1582, and reprinted in 1600, describing Verrazano's sojourn in Narragansett Bay in 1524, in which these words occur: "We weied ancker, and sayled towards the East, for so the coast trended, and so always for 50 leagues being in the sight thereof, we discovered an Ilande in forme of a triangle distant from the maine lande three leagues about the bigness of the Ilande of the Rhodes," etc. The other opinion is that what the Aquidneck legislators of 1644 were influenced by, was the fact that Adrian Block, who visited Narragansett Bay in 1614, noted in his ship's log, or in the journal of his voyage which afterwards fell into the hands of the Dutch writer, De Laet, that "in this bay there is to be found a little red Island [Roode Eylandt]."

The second of these two opinions is that which has commended itself to the historians Bancroft and Arnold, but Mr. Sidney S. Rider may, I think, fairly be judged to have settled the question in favor of the first, by showing not only that the earliest Dutch map bearing the name Roode Eylandt was not issued till fifteen years after the people of Aquidneck had adopted the name Rhode Island, but that Roger Williams, writing in 1666, remarks, "Rhode Island, like the Isle of Rhodes, in the Greek language, is an island of Roses."—*Book Notes*, vol. vii., p. 28; *R. I. Hist. Soc. Pub.*, n. s., vol. viii., p. 152.

condition that while they were to enjoy "twenty-five acres of land apiece, with right of commoning according to the said proportion of land," they were to sit very low at the proprietary board, yielding "active and passive obedience (thankfully)" to the authority of the charter and to the Providence town meeting, and "not to claim any right to the purchase of the said Plantations, nor any privilege of vote in the town affairs," until they were accorded the status of freemen.¹

But now to our principal topic.

On the 19th of May, 1647, the people of Providence, Warwick, Portsmouth, and Newport met in general convention in the town of Portsmouth for the purpose of creating and putting in operation a government in accordance with the terms of the patent brought from England by Roger Williams in 1644. It had been slow work getting the Aquidneck towns to join with those of the Mainland for this end. As indicated in Chapter IV., the Mainland and the Island—or, perhaps

¹ *Prov. Rec.*, vol. ii., p. 29. Just when the quarter-rights men were permitted to take rank as voters, does not appear. It probably was soon after the time (June 2, 1656) when the order was made that "all inhabitants, though not as yet accounted freemen, shall be liable to be chosen to doe service in this towne"; for Roger Williams remarks in 1678 that "these 25 acre men encreasing, the purchasers called upon them to doe service; they did so, and thereby came to privilege of equall ordering of all towne affairs" (*Ibid.*, p. 94). On May 15, 1658, it was ordered that "all those that enjoy lands in the jurisdiction of this town are freemen."—*Ibid.*, p. 112; *R. I. Hist. Soc. Pub.*, n. s., vol. viii., p. 158.

That the exclusiveness of the town fellowship was even thus modified was due to the intelligence of William Harris.—Letter of Roger Williams to John Whipple, Rider's *Hist. Tract No. 14*, p. 26.

more accurately, Providence and Newport—stood respectively for ideas which if not antagonistic were at least by no means thoroughly compatible,—the ideas, that is to say, of liberty *and* order, of freedom *and* law. “How,” remarks the Simple Cobbler of Agawam in a much-quoted passage, “all Religions should enjoy their liberty, Justice its due regularity, Civil cohabitation, moral honesty, in one and the same Jurisdiction, is beyond the Artique of my comprehension”; and, with the thought of a union with Providence in mind, the same thing evidently was beyond the “artique” of the comprehension of Newport.

Nor was the latter to be blamed. At the outset, Roger Williams had frankly confessed to Winthrop that the face of magistracy did not suit with the existing condition of Providence; and that the magisterial face was still not very welcome thirty years later may be gathered from Williams’s statement then made, that “some are agst. all Govermt. and Charters and Corporacions.”¹ The ill-concealed disgust of the high-bred Coddington and his friends at the proposed *mésalliance* may better be imagined than described. Only two considerations prevented their active and open hostility,—fear of internal agitators like Gorton,² and of external absorbants like Massachusetts.

¹ *R. I. Hist. Soc. Pub.*, n. s., vol. viii., p. 148.

² “Mr. Coddington, Mr. Brinton, etc., abhorred their [the Gortonists] course . . . looked upon themselves as persons in great danger and bemoaned their condition to divers their friends, being now overwhelmed with cares and fears what would be the issue of things.”—Elder John Brown, *Hypocrisy Unmasked*, p. 83.

The General Assembly of May 19th was probably a *Landsgemeinde*¹ rather than a body of representatives, although Providence, to make sure of a fitting attendance on its part, sent ten delegates, of whom Roger Williams was one. The instructions furnished these delegates were (1) that they were to make known the wish of Providence "to be governed by the Lawes of England, so farr as the nature and Constitution of this plantation will admittee," and to this end "to hold a Correspondencye with the whole Colnye in that Modell that hath been lately shewed unto us by our worthy friends of the Iland"; and (2) that they were to make known the wish of Providence "to have full power and authoritye to transacte all our home affaires."² John Coggeshall was chosen moderator of the Assembly, which, after despatching a great amount of business, including the adoption, for the whole body, of the second instruction to the Providence delegates, adjourned on May 21st. A year later (May 16, 1648) the *Landsgemeinde* met again, — this time at Providence under the presidency of Nicholas Easton; and on May 22, 1649, and May 23, 1650, further sessions were held. But at the last session an act was passed creating a General Court of representatives as a substitute for the *Landsgemeinde*, and this court convened on the 26th of October.

¹ "The major parte of the Colonie was present"; "the next Generall Assemblie of all the people."—*Laws of 1647, R. I. Col. Rec.*, vol. 1., pp. 147, 149.

² *Prov. Rec.*, vol. xv., p. 10.

The three Landsgemeinde assemblies and the representative assembly just mentioned may be regarded for present purposes as—subject to the patent¹—one grand constitutional and legislative convention, the results of the deliberations of which are to be considered together. These results, taken in their logical order, were, first, a government consisting of departments legislative, executive, and judicial; and second, a body of acts and laws to be put in operation through the medium of this government.²

As preliminary to defining the nature and scope of the various governmental powers, the convention defined to some extent its own territorial jurisdiction by voting that Warwick—which, consistently with its founder's views regarding squatter rights, had heretofore attempted no political organization—"should have the same privileges as Providence," although not named or alluded to in the charter; and by voting further, that Newport should take into custody the trading house or houses of the Narragansett Bay, that Portsmouth should take into custody Prudence Island, and that Pawtuxet be left to choose whether it would come under the authority of Providence, Portsmouth, or Newport. A further preliminary step consisted in declaring that "the forme of Government established in Providence Plantations is Democraticall,"

¹ The only restriction imposed by the patent was that "the laws etc. be conformable to the laws of England so far as the nature and constitution of the place will admit."—*R. I. Hist. Coll.*, vol. ii., p. 261.

² *R. I. Col. Rec.*, vol. i., pp. 147-234.

and in adopting a Bill of Rights the leading pronouncements of which were (1)—following *Magna Charta*—that “no person shall be taken or imprisoned or disseized of his Lands or Liberties, or be Exiled . . . but by the Lawful judgment of his Peeres, or by some known Law . . . of the Generall Assemblie”; and (2) that “no person shall presume to beare any office that is not lawfully called to it,” nor, when so called, “to doe more or less than those that had powre to call him.”

The branch of government first recognized and defined in exercise by our convention was the legislative. This involved, besides a *Landsgemeinde*, two elements: a town and General Court initiative, and a town referendum.¹ That is to say, in the intervals between sessions of the *Landsgemeinde*, any town might discuss and vote upon a measure for the colony, transmitting to each of the other towns a record of its action; whereupon these towns, in turn, were to discuss and vote upon the measure. The measure, together with the vote of the towns, was then to be submitted to a committee of six from each town, called the General Court, by whom the result of the vote was to be announced. If the result were favorable, that is, if the measure were adopted by “the Major parte of the Colonie,” it was to stand as a legal enactment until the *Landsgemeinde* met, when that body was to decide “whether it were any longer to stand.” Again, the General

¹ Some striking parallels between Rhode Island institutions of this period and those of the Swiss canton of Appenzell, at a period somewhat earlier, will be noticed in Chapter X.

Court might discuss and vote upon a measure "for the public weale"; those in attendance from each town (the committee of six) reporting, upon their return home, the measure and vote to their town meeting; whereupon the town was to confirm or disapprove the action of the court. The vote of each town, sealed up, was then to be "sent with speed to the Generall Recorder, who, in the presence of the President," was "to open the votes"; and if the measure had received "the major vote,"¹ it was "to stand as a Law till the next Generall Assemblie."

Under the above system, the province of the Landsgemeinde, it will have been observed, was merely to accept or reject such legislation as previously had been inaugurated by the towns in town meeting, or through the General Court; and for this there was good reason. A national assembly, or Landsgemeinde, is both too cumbersome and too indiscriminate a body intelligently to initiate legis-

¹ It is not altogether clear from the language of the record (*R. I. Col. Rec.*, vol. i., pp. 148, 149) whether the towns were to vote as towns, or whether they were merely to collect and forward the votes of the freemen within their limits. If they were to vote as towns, a majority of the towns was necessary to pass a measure; otherwise a majority of the freemen of the colony. Mr. J. A. Doyle in his *English Colonies in America* construes the record to mean that the vote of even a single town might defeat a measure (vol. ii., p. 273); and even Judge Thomas Durfee is of the opinion (*Anniversary Oration Founding of Prov.*, p. 19) that no law could be enacted "without the consent of the towns." Judge Staples, on the contrary ("Annals of Prov.," *R. I. Hist. Coll.*, vol. v., p. 65), takes the view that the towns merely collected and forwarded the votes. It is evident that the towns did not vote as units after October, 1650, for it was then expressly provided, that "if any freemen mislike any law, they shall send their votes, with their names affixed thereto, to the Generall Recorder within ten dayes." Upon the whole, the more reasonable conclusion is, I am persuaded, that the towns from the first merely acted as agents in collecting and transmitting the votes of the freemen.

lation ; and hence even to-day in Switzerland such a body rarely assumes to exercise the initiative, but simply accepts or rejects what is laid before it by its executive committee or *Grosser Rat*. But any difficulty in Providence Plantations incident to cumbersome or indiscriminateness on the part of the legislature was overcome by the adoption on May 23, 1650, of a representative system.

The system in question provided for the selection by the towns of twenty-four "discreet and able" men (six in each) "to have the full power of the Generall Assemblie." At first, a simple majority of this court had authority to legislate, but after October 26, 1650, "no act of the Court was to be in force except there were thirteen agreeing in the vote." It was furthermore ordered in the session of October, 1650, that all laws passed by the General Court, as a representative body, should within six days after adjournment be returned to the towns, and that within three days after return, "the chiefe officer of each Towne" should call the town together to hear the laws read, to the end that "if any freemen mislike any law, they shall send their votes with their names affixed thereto to the Generall Recorder, within ten dayes after the reading." Upon this, if the majority of the votes were against the law, it was to be a nullity, and was to be so signified by the President to the towns.

At the Landsgemeinde session of May, 1650, it was enacted that "representatives" should be paid, during the time of their employment, two shillings and six-pence a day by their respective towns. It

had already been enacted (May, 1647) that sessions of the General Assembly were to be held "upon the first Tuesday after the 15th of May annually, if wind or weather [hindered] not."¹

The executive department of the new government, as organized by our constitutional convention, was to consist of the following general officers: "One President, four Assistants—in every Towne one, one Generall Recorder, one Publick Treasurer, and a Generall Sargeant." They were to be chosen by "papers"² for a term of one year; and before assuming office were to "engage"—that is, solemnly promise—to execute their commissions "faithfully and truly to the utmost of their power." On the other hand, the whole people of the colony, at least during the Landsgemeinde period, were likewise to "engage"³ to "support and uphold" the officers. The President was allowed no independent executive power, but he and the Assistants were to be conservators of the peace in the towns where they lived, and throughout the whole colony. In case of the absence or death of the President, his place was to be taken by the Assistant of the town from which the President was chosen; and (after 1649) if a President- or Assistant-elect should refuse to serve, he was, if the former, to be fined ten pounds; and

¹ On May 18, 1652, the order was made that these Courts (of Election and Trial) "shall bee by turns henceforth in each Towne."—*R. I. Col. Rec.*, vol. i., p. 244.

² It is worthy of remark that at Newport in 1639 sealed votes for Judge were provided for.—*Ibid.*, p. 98.

³ Reciprocal "engagements" were the practice till a late period.—*Ibid.*, p. 441; ii., p. 98.

if the latter, five pounds; and "he that had most votes next to him that refused" was to supply his place.¹

It was to be the duty of the general recorder to keep the legislative and judicial records, and the records of land transfers, boundaries, wills, and highways. The public treasurer was to receive "such fines, forfeitures, amercements, and taxes" as "fell upon" those outside "the liberties" of the four towns. Collection within the towns was left to the town treasurer. The general sergeant was to be "an able man of Estate"; he was to attend the Court of Trials in the capacity of sheriff, and to keep the colony prison. Besides the foregoing officers, our convention (in the *Landsgemeinde* of 1647) chose two "Water Bailies," or riparian police, for the colony; and (in the *Landsgemeinde* of May, 1650) ordered the appointment of an "Attorney-and Solicitor-General,"—William Dyer and Hugh Bewett. An act passed in 1647, providing for a "Seale of the Province" in the form of an anchor, may perhaps be regarded as putting the finishing touches to so much of the new government as pertained to the executive.

In its judicial branch, Providence Plantations was to consist in a "Generall Courte of Tryalls" composed of the President and Assistants of the colony. The jurisdiction of the court was to extend to such crimes as might "hazard Life, Limbe, Disfranchisement, or Banishment"; and to such civil cases as

¹ The Coddington defection to be mentioned *post*, probably led to this enactment.

should be certified to it by the "Common Councill," of any town or towns, as "too weightie for a more private determining." Its jurisdiction was to extend, furthermore, to matters of difference "between Towne and Towne," or between residents of different towns, or between a town and a resident of a neighboring colony. By the Landsgemeinde of May, 1650, the court was clothed with distinct appellate power, for provision was made for the transfer thither from the town courts of cases wherein there could be shown to be "defect in some substantiall matter, error, or attainte." As early, however, as 1647, it had been enacted that "in case a man sues for justice . . . and he cannot be heard, or is heard and cannot be righted by any Law extant among us, then shall the partie grieved petition to the Generall or Law making Assemblie, and shall be relieved." This was left in force by the Assembly of 1650, and became the basis of that claim of judicial right and power afterwards so pertinaciously made by the Rhode Island Legislature.

With regard to the time of judicial sessions, it was ordered in 1647 that the "Court of Tryall" should be held immediately upon the dissolving of the General Court in May of each year. With regard to place, that was to be "where the action did arise." Later in the same session, it was ordered that the court "begin at Newport the 13th of June, and from thence to Portsmouth, and so forward if there be occasion."

It was enacted in 1647, as to the general procedure at trials, that criminals should be indicted by

twelve or sixteen "honest and lawful men." These men, in the event that one charged with a capital offence were before them, were to be "clearly worth forty pounds." After indictment, the accused were to be separately tried by a jury of twelve, who before taking their places were to be solemnly charged by the President of the court, "upon the perill and penaltie" of the law, "to do justice according to the evidence." In conclusion the President, or an Assistant, was to "mind" the jury of the "most material passages and arguments brought by one and other for the case and against it, without alteration or leaning," and thereupon the jury were "to goe forth."

It may be well finally to note that, by the Lands-gemeinde of 1647, express provision was made for the encouragement of the legal profession in Providence Plantations, through the order that "any man may, . . . in any Court or before any Judge of Record throwout the whole Colonie, make his Attorney to plead for him, or may use the Attorneys that belong to the Court, which may be two in a Towne—discreet, honest, and able men for understanding, and solemnly engaged not to use any manner of deceit to beguile eyther Court or partie."

With the passage by our constitutional convention of the acts creating legislative, executive, and judicial departments, the general government under the Patent of 1644 was reasonably complete,—complete, that is, on its positive side. But there was also a negative side to be reckoned with. This was

the side that Providence had had in view when instructing its delegates to make it known to the Assembly of 1647 that "We desire to have full power and authoritye to transacte all our home affaires"; the side, in other words, of particularism and separatism; the side most characteristic of the Narragansett settlements, as since it has been of Rhode Island, both colony and State.

Accordingly, in framing the general government, our convention distinctly recognized the claims of particularism in a series of acts in the nature of adjustments between the centripetal and centrifugal forces. Thus, if limitations were imposed upon the towns in the requirement that they must choose each a delegation of six to the General Assembly, the towns on their part were at liberty to choose their delegation in any way they saw fit. Again, if limitations were imposed upon the towns in the requirement that they promptly choose each a town council of six men; that they choose militia officers, highway surveyors, and swine viewers, the towns on their part were still at liberty to exercise some control by fixing the qualifications of the electors¹ by whom these officers were to be chosen. If, moreover, there were a limitation in the power given to the general government to impose taxes, the towns made their own apportionment, and did their own collecting.

Once again, if there were a limitation in the appellate, and to some extent in the original juris-

¹ The subject of citizenship under the Patent of 1644 will be discussed in Chapter X.

diction of the colony Court of Trials, this was largely offset by the provision in 1647, that the magistrates of the town where the court was held should sit with the general magistrates "for coun-cill and helpe"; and by the provision in 1649, that "the Town magistrates of the Town wheare the Generall Court shall be, shall sit in Court with the Generall Officers and have equall authority to vote and act with the Generall Officers." And finally, if the very existence of Providence Plantations were a limitation upon the Narragansett settlements,—as it was,—the powers reserved by the latter were rendered somewhat plainer and more definite by the declarations of the Bill of Rights, and by the granting to Providence in 1649, as also to the other towns, of a charter of political incorporation.

There are of course points of analogy between the government set up by the Narragansett settlements between 1647 and 1650 and the government set up by the United States in 1787. There also are points of analogy between the United States Government and that set up in Connecticut in 1639. Here, however, and with reference to Rhode Island, we may pause to note but two points: first, that the main sources whence the commonwealth of Providence Plantations was derived (Providence and Aquidneck) were—in a much stricter sense than the sources of Connecticut, and in a sense hardly known in the case of the sources of the other American plantations—distinct and independent political sovereignties; and second, that after the creation of the commonwealth on paper, it failed largely to come

into existence as fact, reaching only about the stage of development reached by the United States under the Articles of Confederation. But of this more in the chapter entitled "Relation of State to Town in Early Rhode Island."

We have already seen that the first two Presidents under the patent were John Coggeshall and Nicholas Easton, and that Roger Williams was the first Assistant from Providence. Easton was chosen President a third time in 1650, and Williams Assistant a second time in 1648, and Deputy President in 1649. Among others of historical note chosen to public place during the period of organization were William Coddington, Assistant for Newport in 1647, and President in 1648; Randall Holden, Assistant for Warwick in 1647; William Dyer and Jeremy Clarke, recorder and treasurer, respectively, in 1647 and 1648; Thomas Olney, Assistant for Providence in 1649; John Clarke, Assistant for Newport and general treasurer in 1649 and 1650; and Samuel Gorton, Assistant for Warwick in 1649.

It is evident from these selections that the new government was resolved to make use of its best material. The selections may also be taken as indicating that while, as has been said, the particularistic or analytic tendencies of the time and place found their natural expression through Providence, the integrating or synthetic tendencies were made manifest through Newport; for the Presidents were all Newport men. But the synthetic influence of Newport is made more convincingly manifest in the

code called the Bulk of the Laws. This had been prepared in advance of the meeting of our constitutional and legislative convention in 1647, and had been submitted to the inspection at least of Providence; for the latter in its instructions to its delegates, or committee, had announced its desire, "so farr as possibly may be, to hold a Correspondencye with the whole Colonye in that Modell that hath been lately shewed unto us by our worthy friends of the Iland."

The code as a whole is noteworthy for its freedom from Old Testament allusions, and for its humanity. It is pervaded by the spirit of Christ rather than by that of Moses, and, indeed, begins with a fine allusion to the former as "the great Doctor of the Gentiles." In its various sections it covers succinctly the leading divisions in the criminal and civil law of England, from high treason, rebellion, and murder to marriage and the probate of wills.¹

¹ Judge Staples remarks in his *Proceedings of the First General Assembly*, p. 50, that under a clause in the probate law authorizing the common council of each town "to make an equal and just distribution of [an] estate among those to whom it does belong," it was not unusual at Providence and Warwick for the town councils to draw a paper in the form of a will, and thus to dispose of a decedent's estate apparently at their discretion. He says that in one instance (estate Nicholas Power, *Prov. Rec.*, vol. xv., p. 47) a part of the real and personal estate was disposed of to the widow, part for life and part in fee; and the residue divided among the children as tenants in fee-tail general, with cross remainders. See *Prov. Rec.*, vol. ii., pp. 108, 143, for instances of the disposal of estates by the Providence town meeting. Attention is also called by Judge Staples to the interesting circumstance that wills at Providence were sometimes proved at once upon execution.

The absence of any local law regulating the descent of real property, coupled with the fact that by the terms of the Charter of 1663 all the lands of the colony were held by the tenure of the manor of East Greenwich in the County of Kent, led William Harris to the conclusion that the rule of



Some of the sections are deserving of special attention, as, for instance, those in which the death penalty is limited to treason, murder, manslaughter, witchcraft,¹ burglary, robbery, arson, and the crimes against nature, at a time when in Massachusetts, Plymouth, and New Haven the penalty of death was denounced against all such as "worship any God but the Lord God"; against all such as "blaspheme the name of God the Father, Son, or Holy Ghost, or curse God in like manner"; against such, "above sixteen years old, as shall curse or smite their natural father or mother," or "shall not obey the voice of father or mother," being stubborn or rebellious; and so on.

Attention also may be paid to the section which exempts "poor persons that steal for hunger" from legal penalty; to the section which declares against imprisonment for debt; to the section which forbids the infliction in any event of the penalty of banishment; to the section which permits divorce² only for adultery, and then only by order of the General Assembly, upon complaint of the party grieved; and to the section which provides that,

"as the Consciences of Sundry men truly conscienable may descent was that of gavelkind, according to which the heirs of a decedent took in equal portions.—*William Harris Papers*, R. I. Hist. Soc.; *will of William Harris*, R. I. Hist. Soc.

¹ No prosecution for this offence was ever instituted in Rhode Island. Indeed, the general opinion there was probably voiced by William Arnold, when he wrote to Massachusetts that "some of them of Shawomet crieth out much against them which putteth people to death for witches; for, say they, there be neither witches upon earth nor devils, but your own pastors and ministers, and such as they are."—*Narr. Club Pub.*, vol. vi., p. 229.

² The sections relating to banishment and divorce were adopted at the session of October, 1650.

scruple the giving or the taking of an oath, and it would be nowise suitable to the nature and constitution of our place, who profess ourselves to be men of different consciences, . . . to debar such as cannot do so either from bearing office among us or from giving in testimony in a case depending, be it therefore enacted that a solemn profession or testimony in a Court of record shall be accounted, throughout the whole Colony, of as full force as an oath."

Of interest, too, are the sections (mercantile and police in their nature) regulating the currency by lowering by one third the legal tender value of black peage,¹ forbidding the sale of arms to the Indians, adopting the "Sea Lawes or Lawes of Oleron,"² imposing upon a reciprocity basis customs duties upon Dutch and French commodities, and forbidding Dutch and French trade with the Indians, upon penalty of forfeiture of "Shipp and Goods."

There are, moreover, certain sections that excite a smile, as the one that "common scolds be punished with the ducking stool"; the one that a drunken man refusing to pay his fine "shall be set

¹ It was now valued at four shells to the penny; the value had been three to the penny.

² The Laws of Oléron take their name from the island of Oléron, which lies off the west coast of France opposite the mouths of the Charente and the Seudre. It is probable that these laws—the embodiment of maritime usage—were first reduced to form by order of Eleanor, Duchess of Guienne (wife successively of Louis VII. of France and Henry II. of England), and that they were introduced into England by Richard I., who heard of them while *en route* homeward from the Holy Land. The earliest known text is contained in the *Liber Memorandorum* preserved in the Public Records Office, London, and is in a handwriting of the early fourteenth century; it is entitled *La Charte d'Oléron des Juggemens de la Mer*. In 1647—the very year of the adoption of the laws in question by Providence Plantations—Cleirac, a learned advocate in the Parliament of Bordeaux, printed *Les Us et Costumes de la Mer*, in which these laws are embodied.

in the stocks and there remain for the space of six hours"; and the one providing that "forasmuch as we are cast among the archers, and know not how soon we may be deprived of powder and shot, . . . to the end also that we may come to outshoot these natives in their own bow, . . . be it enacted that every person, from the age of seventeen years to the age of seventy, shall have a bow and four arrows and shall use and exercise shooting." Then at the end of the code, and consecrating it a living memorial, as it were, to the procurer of the patent, by whom alone both code and colony were made possible, come the fitting, memorable words: "These are the laws that concern all men, and these are the penalties for the transgression thereof, which, by common consent are ratified and established throughout the whole Colony; and, otherwise than what is thus herein forbidden, all men may walk as their consciences persuade them, every one in the name of his God."

In addition to general laws, there were passed by our convention at its several sessions divers acts and orders which pointedly disclose the conditions prevailing in the commonwealth during its formative time. And these conditions, it may be observed, were on every hand the conditions of distraction. Portsmouth—fresh from a rebaptism in the spirit and presence of Samuel Gorton—was at daggers-drawn with Providence, Warwick, and Newport; the Arnold coterie and the newly converted Pumham and Sacononoco, all under the ample wing

of Massachusetts, were still striving to make Pawtuxet and Warwick a part of the County of Suffolk; Providence, rent and torn, was salving its wounds with idle declarations that "what causes of difference have heretofore been given . . . by any of us here present, not to mention or repeat them in this assembly, but that love shall cover the multitude of them in the grave of oblivion"; while, as for the colony at large, it was suffering from the complaint of ballot-box "stuffing,"¹ from excitement over the supposed discovery of gold, and from a treacherous seeking on the part of William Coddington to subject the island of Rhode Island to the jurisdiction of the United Colonies.

The treachery of Coddington merits more than passing attention.

The Aquidneck magnate was chosen President by the Landsgemeinde held May 16, 1648, at Providence. At the same session the entry was officially made, that whereas "Mr. Jeremy Clarke and Mr. John Smith are elected and sworn" [engaged], "Mr. Coddington and Mr. Balston, Assistant from Portsmouth, are suspended." No grounds for the suspension are mentioned other than "divers bills of complaint"; but, in view of these "bills," it was ordered that "if the President-elect shall be found guilty or, being cleared of the said charges, refuse the place, etc., that then ye Assistant of Newport, Mr. Jeremy Clarke, shall be

¹ "It is ordered . . . that none shall bring any voates but such as they receive from the voaters' hands, and that all voates presented shall be filed by the recorder in the presence of the Assemblée during the tyme of the Court."—*R. I. Col. Rec.*, vol. i., p. 217.

invested in his place." And shortly afterwards it was recited in the general act regulating the Presidential succession, that the President-elect "hath not attended this Court for ye clearing of ye accusations charged upon him."

Now considerable light upon the course of Coddington in Rhode Island affairs, at and before this juncture, is thrown by one of those self-revealing letters of his to Governor Winthrop. Thus he wrote on May 25th:

"Sir, this bearer [Captain Alexander Partridge] and Mr. Balston and others of this island are in disgrace with the people in Providence, Warwick, and Gorton's adherents on this island, for that we will not interpose, or meddle at all in their quarrels with the Massachusetts and the rest of the Colonies, and do much fear that Gorton will be a thorn in their and our sides, if the Lord prevent not."¹

The circumstance here mentioned, that Baulston as well as the writer of the letter was "in disgrace," taken in connection with the circumstance that Coddington and Baulston were suspended from office at the same time and by the same order, lends at least strong color to the presumption that they both were "in disgrace" and "suspended" for the same thing, to-wit: giving countenance, information, and comfort to Massachusetts in its efforts to reduce Warwick under its authority.

But if at this time the infidelity of Coddington was a matter merely of suspicion, it soon became one of certainty. In September of the year 1648,

¹ *Hutchinson Papers* (Prince Soc. ed.), pp. 253, 254.

and as a natural sequence to the correspondence and affiliation with Winthrop, Coddington, together with Partridge, petitioned the United Colonies "in the behalfe of R. Island, that wee the Islanders of Roode Iland may be received into combination with all the united Colonyes of New England in a firme and perpetuall League of friendship and amity, of offence and defence, Mutuall advice and succor," etc.; alleging that "to this our motion wee have the consent of the major part of our Iland."¹ Hence, however lightly we may be disposed to touch upon Coddington's course with regard to Warwick, this act of his (unsuccessful though it proved) in seeking to detach Aquidneck from Providence

¹ Hazard, vol. ii., p. 99. Roger Williams states in a letter to John Winthrop, Jr., of date September 23, 1648: "Our neighbors Mr. Coddington and Capt. Partridge ten days since returned from Plymouth with propositions for Rhode Island to subject to Plymouth; to which himself and Portsmouth incline; our other three towns decline" (*Narr. Club Pub.*, vol. vi., p. 154). Any inclination on the part of Portsmouth to subject the Island must have been limited to the Baulston element. Gorton's friends certainly could not have shared it.

As a matter of fact, Coddington had applied for the admission of the island of Rhode Island into the New England Confederation in August or September, 1644. His intention to take some such step is plainly intimated in that very confidential letter to Winthrop in part quoted *ante*. He says (August 5th): "I desire to have either such alliance with yourselves or Plymouth, one or both as might be safe for us all, I having chief interest on this island, it being bought to me and my friends; and how inconvenient it might be if it were possessed by an enemy, lying in the heart of the plantations, and convenient for shipping, I cannot but see; but I want both counsel and strength to effect what I desire." The response of the Confederation (September 9, 1644, Hazard, vol. ii., p. 20) was that "if the major part and such as have most interest in the Iland will absolutely and without reservation submit, either the Massachusetts or Plymouth may receive them."

The foregoing correspondence was still a secret at the time of Coddington's second application—that of 1648.

Plantations raises peremptorily the question how far, if at all, he may be regarded as justified.

It probably can be urged with truth that, as Dr. Palfrey says, Coddington "was altogether dissatisfied with the proceedings which, under the patent obtained by Williams, had been had for a junction of the towns under one government." It may even, I think, be truthfully urged that the former honestly feared for the safety of life and security of property under the new régime, and that he had never yielded to it more than a passive allegiance. But the fact none the less remains that, willingly or unwillingly, Coddington and his party had with perfect regularity, and by their actual sovereign,—the state of Old England,—been placed under the jurisdiction of Providence Plantations, and that therefore this attempt to dismember the territory of the commonwealth was, in the eye of both law and politics, nothing short of treasonable.

But during these distempers,—mirrored with more or less completeness in the acts and orders we have been considering,—what of Roger Williams?

Almost immediately upon his return with the patent in September, 1644, he had betaken himself to Cawcamsquissick, near the present Wickford, and opened a trading house. His trip to England had cost him one hundred pounds and reimbursement was yet to be offered him.¹ He, therefore,—to

¹ In 1647 the General Assembly voted that "in regard of his so great travail, charges and good endeavours we do freely give and grant to the said

say naught of the fact that he was always more at home on the outskirts of even a frontier settlement than anywhere else,—was in need of money and had to go to work. But although removed from Providence, he maintained a constant interest in the affairs of the colony. He poured forth a stream of letters to his friends,—in particular to his friend John Winthrop, Jr.,—and found time besides (August 31, 1648) eloquently to appeal to the town of Providence to aid him in putting into effect a scheme of arbitration for determining the difference with Portsmouth¹; and (September 23, 1648) to "sound" Winthrop regarding his willingness to serve as an arbitrator in the issue raised by the defection of Coddington.² Indeed, about this time, and no doubt largely because of the uncertain condition of local affairs, Williams began seriously to think of Winthrop as a possible President for Providence Plantations—that is, in the event that the latter should establish himself at Pawcatuck [Stonington], where he had already planted an outpost.³ Moreover, it was in 1649 that, at a special session

Roger Williams one hundred pounds . . . to be levied and paid in by the last of November next" (*R. I. Col. Rec.*, vol. i., p. 152). In fact payment, even in part, was not made till long after the time here indicated.

¹ *Narr. Club Pub.*, vol. vi., p. 149.

² *Ibid.*, p. 154.

³ Williams wrote to Winthrop, March, 1648-49, as follows: "Whether they have fixed on yourself [for President] or Mr. Coddington's faction prevail to keep his name in . . . I cannot yet learn"; and again on May 26th: "Some were bold [at the Court of Election] to use your name and generally applauded and earnestly desired in case of any possible stretching our bounds to you or your drawing near to us though but to Pawcatuck."—*Ibid.*, pp. 170, 180.

of the General Assembly held in March, Williams, in recognition of his efforts for internal harmony, was chosen Deputy President.¹

But, upon the whole, the most important event connected with the sojourn of Roger Williams at Cawcamsquissick was the death of Canonikus.² "On a June day in 1647," says Mr. Dorr, "the last real King of the Narragansetts was laid to rest." Williams himself closed the eyes of the dead chief-tain, and provided the shroud of trading cloth in which the body was wrapped.³ "No trustworthy tradition," again to quote from Mr. Dorr, "marks the old Sachem's grave. If the spot were known, it would be worthy of a monument commemorative of his faithful service." Heartily may we second these words of appreciation, for, with the melting of the snows of those aged locks, there presently was to come a flood.

¹ The only account we have of this Assembly is contained in Williams's letter to Winthrop (*Narr. Club Pub.*, vol. vi., p. 170) in which he says: "This Court last week wrote to me information of their choice of myself as Deputy President in the absence of the President."

² On June 4th, Winthrop wrote in his *Journal*: "Canonikus, the great Sachem of Narragansett, died, a very old man." On October 5, 1654, Roger Williams wrote to the Massachusetts General Court: "Their late famous long-lived Canonikus so lived and died, and in the same most honorable manner and solemnity, in their way, as you laid to sleep [in 1649] your prudent peace-maker, Mr. Winthrop, did they honor this their prudent and peaceable prince."—*Narr. Club Pub.*, vol. vi., p. 274.

³ *R. I. Hist. Soc. Pub.*, n. s., vol. viii., p. 157; Rider's *Hist. Tract No. 14*, p. 57.

1. The first part of the document is a list of the names of the members of the committee.

2. The second part of the document is a list of the names of the members of the committee.

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