

## REPORT OF THE COUNCIL.

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YOUR Committee, appointed to prepare the report of the Council, have little to say with regard to the conduct and condition of the Society, beyond what is contained in the reports of the Treasurer and Librarian herewith submitted.

Our associate, Judge Simeon E. Baldwin of New Haven, has kindly consented to prepare for us a notice of our late associate, Prof. William D. Whitney; and Vice-President Hoar, that of our late associate, the Rev. Grindall Reynolds, D.D.

For the Council,

WILLIAM B. WEEDEN.

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### QUALITY THE PREVAILING ELEMENT IN REPRESENTATION.

BY WILLIAM B. WEEDEN.

My purpose is to examine the history of New England, that we may trace out the origins of a principle which has affected our whole development in common with the United States. Perhaps the movement has been more marked in our district than elsewhere, and we may well look in these New England States for the clearest working of a political principle, which has constantly exercised profound influence in shaping the destinies of America.

Representation, the delegation of the sovereignty of citizens to a body of trustees or legislators, has been fully treated in various ways and by differing schools of thought. To my mind there should be discrimination in representation itself. It has been the qualitative element in this system of delegated functions which has controlled the action and the resultant government of the voters, legislators and

governors of New England. It is the essence, rather than the bulk, of the governed, which has manifested itself in the choice of officers, and which has finally issued forth in legislative and executive action. The meaning of the word is always most affected by its great opposite—quantity or bulk. In this study we need a closer definition. Locke, after explaining his doctrine of ideas, says, “whatever the mind perceives in itself, or is the immediate object of perception, thought or understanding, that I call idea; and the power to produce any idea in our mind I call *quality* of the subject wherein that power is.”

The practical Blackstone gives a definition that we can handle and feel in its actual contact with common affairs. “The true reason of requiring any *qualification* with regard to property in voters, is to exclude such persons as are in so mean a situation that they are esteemed to have no will of their own.” I would not draw out the differing tendencies of the word, but rather develop its sympathetic side. There is the tendency of like to like in all forms of representative government, wherever that government accords with the ways and wants of its constituent people.

Society had a new opportunity, when the bands of English adventurers planted themselves in these colonies. Europe had been working itself into nationalities run in the moulds laid by the Romans. A powerful municipal life had grown up within the larger political field of empire, and this life had been modified by the ecclesiastical functions of the Roman Church; latterly, by the severe restraint of the Reformed Church, as it prevailed in Northern Europe. Over and through all, the great organizing power of feudal society carried its sinews of military domination, and firmly kept its nervous grasp on the land.

All was changed in the new England, that transported the habits and customs, but not the substance and underlying structure, of the old England. The land here was not occupied by peasants, alternately wielding a spade for

their own bread and taxes, and a pike and spear for their count or earl. Excepting the hindrance of a few savage tribes, meadow and forest waited for the hand of the farmer, who should soon come to be a citizen. Earth, standing-room, the privilege of a grave, was no longer the basis of existence and the main-stay of the State. Man in his own right, a legalized social being but an individual master, stood forth, to control the soil spread out to receive the new institutions he was about to plant upon it.

Again, these individuals and families were a picked lot. For the first two centuries the best of their kind came to America and the weakest dropped out by the way. Exceptional races furnished their contingents. Even in New England there was an effective admixture of blood; Ireland and Scotland, Germany and France, were mingled in the larger English stream. It will be understood, I do not mean that the best individuals came to America, leaving the worst in Europe, or that those coming excelled the better sort of those remaining at home. Culture and social privilege—with their inevitable results—remained with the older institutions of Europe. I would simply note that a new and large opportunity was opened to these average citizens, who had been selected and were to be arranged by new social processes.

This rupture of old social ties and new arrangement under changed conditions has led many observers to construe New England as a democratic society. Nothing could be more unlike the actual state of affairs. We need not refer to Cotton or Winthrop to show the antipathy of the most trusted leaders to democratic methods. The necessary drift of the new country carried the settlers away from democratic equality, and carried them, not into ranks and classes, but classified their energies for the final good of the whole community. Rhode Island, alone, by force of her peculiar circumstances, began with pure democratic methods. Soon the American drift carried her into

legislation and government, whose general political effect can hardly be distinguished from the more aristocratic hierarchical development of Massachusetts and Connecticut.

At the very first, whether at Plymouth, Salem, and Boston, or New Haven, Connecticut, and Providence, the public business got under way as it could, and government adapted itself to the varying circumstances of these settlements. It is generally agreed that representation in Massachusetts was fairly instituted in about three years after the founding of the Bay plantations.<sup>1</sup> And this representation worked itself out on the lines I have briefly indicated. The social customs, the ingrained political ideas, the resulting institutions of Englishmen, took root in a new soil and developed rapidly into a new line of institutions, which ultimately came to be the organs of a new State. It was the quality and essential nature of these people which directed the lines of this development and gave final unity to different communities. We gain little by too minute classification of these historic incidents according to the terms of Greek, Roman or English experience. The influence of a corporation issuing from the Crown of England and planting itself on a wide territory, that influence must make itself felt, even when it was not strictly corporeal.<sup>2</sup> Yet it was not a mere corporation, nor was that corporate body succeeded by an oligarchy.

To comprehend this matter let us glance at some criticism of unfriendly observers. Thomas Morton gives us his notion of John Endicott. "This man thinking none so worthy as himself, took upon him infinitely: and made warrants in his own name . . . To these articles every Planter, old and new, must sign, or be expelled. . . . That

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<sup>1</sup> Representation and Suffrage in Mass. Haynes, 12 Hopkins, University Studies, VIII. 14. I have freely used this careful essay.

<sup>2</sup> See Genesis of the Massachusetts Towns, Proceedings Mass. Hist. Soc., Jan., 1892, where the whole subject is discussed by Adams, Goodell, Chamberlain and Channing.

in all causes, as well Ecclesiastical as Politicall we should follow the rule of God's words . . . for the construction of the words would be made by them of the Separation to serve their owne turnes."<sup>1</sup> This might be Morton's idea of the "free handling" of Scripture, which two centuries of experience may have somewhat justified. Not so, honest John Endicott in his day and generation. He wrote to Bradford, "God's people are all marked with one and the same mark and sealed with one and the same seal, and have for the main, one and the same heart, guided by one and the same spirit of truth; and where this is there can be no discord."<sup>2</sup> This was admirable in the spirit and not vexatious for the body, until it came to be rendered politically and to affect the every-day business of mankind. Then Edward Johnson, "a very devout and explicit Puritan," shows us the proper method of governing a State. He said, in 1637, that his brethren "also hate every false way, not that they would compel men to believe by the power of the Sword, but to endeavor all to answer their profession; whether in Church Covenant or otherwise, by knowing they bare not the Sword in vaine."<sup>3</sup>

It is true that Bradford and Winthrop were larger and more in accord with the type of the colonial Massachusetts which was to come. But in that day the average planter and Puritan was very like Endicott and Johnson. It was not because John Endicott wielded the power of a corporation, deriving from the Crown, nor that Edward Johnson could move a church gathering and moderate a town meeting according to his own will, that these worthies could set up what Thomas Morton conceived to be a tyranny. These men were of the same quality as those they represented. All or nearly all the men who obtained a foothold

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<sup>1</sup> New English Canaan. Book III., Chap. XXI.

<sup>2</sup> Morton's New England's Memorial, 5th ed., p. 143.

<sup>3</sup> Wonder Working Providence, p. 107.

in Massachusetts and Connecticut believed in the same way, that they were sealed with the great seal of the Almighty. Occasionally, one like Wheelwright, Anne Hutchinson or Roger Williams might hold a signet which varied by a line or a shadow from the established mark. He might get out. His ways were not God's ways, as conceived by the average Puritan, and there was no occasion that the fold of the Puritan lambs should be troubled by these ungodly shepherds. The lambs desired to be let alone. Not even Winthrop, with his large benevolence and his reason bred in the true insight of the State, could resist this impelling flood of public sentiment. His profound sorrow in consequence was most pathetic. Cotton was not a bad nor ignorant man, but he could not lift himself a hand's breadth above the quality of the Johnsons, who bore not the sword or the mace of banishment in vain.

It was the merit of Roger Williams that, after he had clashed signets for a time with the men of the Bay and of Plymouth, he perceived that the impressions became somewhat blurred and not available for expression and use in constable's warrants and decrees of banishment. If Endicott's one spirit of truth was comprehended in any one mark, which was a mechanism, then it was the best business of man to hold fast to that mechanism. But Williams discovered, after much travail of spirit, that Johnson's sword might be sheathed, for once, in matters ecclesiastical. Hence the compact made at Providence, "we subject ourselves in active or passive obedience . . . only in civil things."<sup>1</sup> It was an exception of tremendous consequence, too large to be contained in the commonwealth that gave it birth and afforded the first practical exposition of religious liberty.

It was the merit of Thomas Hooker, that while he came far short of Roger Williams in the large perception of a

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<sup>1</sup> Arnold, *History of Rhode Island*, I, 100.

complete division between "civil things" and things ecclesiastical, he organized Connecticut on a basis which enabled it to work a political government, modified by its ecclesiastical connections, for nearly two centuries without substantial changes. Rhode Island, the smallest of principalities, was developed into a State on religious liberty, pure and simple. This was a great object lesson for the whole world, both Protestant and Catholic. Whether a larger community and combination of commonwealths, like New England, could have been worked together on the same basis of principle we shall never know; for it was not tried in that day. Hooker did formulate the Puritan principle into a solid form of law, which could be administered and which made a most prosperous and homogeneous community. That is, the men whom Hooker animated and whom he represented did this work. Hooker has been exalted as the father of American democracy. This has been sufficiently refuted.<sup>1</sup> He did prune down the theocratic rhapsody of the Puritans into some definite form, which the Connecticut farmers administered admirably, to bring out the social life and prosperity which they wanted.

The written constitution of Connecticut did not differ much in essence from the theocratic ideas which underlay the practical administration of Massachusetts Bay, and which interpreted the charter as it was applied to the necessary business of the incipient State. But we shall see that this constitution was interpreted by a group of statesmen whose quality was exactly like that of their constituents and whose action was therefore harmonious. Meanwhile Massachusetts was agitated and torn by parties, which in time worked out a political evolution of another sort. The men of Connecticut said, ". . . a people gathered together, the word of God requires that to maintain the peace and union of such a people, there should be an orderly and

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<sup>1</sup> See Proc. Mass. Hist. Soc., Jan., 1890. Doyle, *Puritan Colonies*, I., 158.

decent government established according to God, to order and dispose of the affairs of the people at all seasons as occasion shall require; do therefore associate and conjoine ourselves to be as one public Estate or Commonwealth."<sup>1</sup> Connecticut did not, like Massachusetts, require freemen to be church members, yet the political result was the same. "Town government and church government were but the two sides of the same medal, and the same persons took part in both."<sup>2</sup> Let us look into Hooker's "Survey of the Summe of Church-Discipline," published in its present form in 1648, after his death. "Men sustain a double relation. As members of the commonwealth they have civil weapons, and in a civil way of righteousnesse, they may, and should use them. But as members of a Church, their weapons are spirituall, and the work is spirituall, the censures of the Church are spirituall, and reach the souls and consciences of men."<sup>3</sup> He did not hold and is careful to guard himself from religious toleration.<sup>4</sup> He further elaborates the idea of separation between Church and State. "*No civil rule can properly convey over an Ecclesiasticall right. The rules are in specie distinct, and their works and ends also, and therefore cannot be confounded. . . . But the taking up an abode or dwelling in such a place or precincts is by the rule of policy and civility. . . . Ergo, This can give him no Ecclesiasticall right to Church-fellowship.*"<sup>5</sup> Here is a dim recognition of the difference there ought to be between spiritual and temporal things in the office of government.

We may now cite a statement which has been latterly brought out or translated from an abstract of a famous sermon preached by Hooker in 1638, and which is justly supposed to have influenced the formation and direction of the

<sup>1</sup> Hinton's Antiquities, p. 20.

<sup>2</sup> Johnson's Connecticut, pp. 59, 220.

<sup>3</sup> A Survey of the Summe of Church-Discipline, London, 1648, p. 4.

<sup>4</sup> *Ibid.*, p. 13.

<sup>5</sup> *Ibid.*, p. 13.



constitution of Connecticut. "The choice of public magistrates belongs unto the people, by God's own allowance. . . . The privilege of election, which belongs to the people, therefore must not be exercised according to their humors, but according to the blessed will and law of God."<sup>1</sup>

Now, if we survey the whole substance of Hooker's doctrine, as formulated by himself, we easily perceive that he was forging out a practical method of theocratic government, rather than stating any doctrine of political equality administered by a large majority of the people, as we understand democracy in its modern sense.

Another ray of light on the political ideas of Connecticut is reflected from a sermon preached to the soldiers going out to crush the Pequots. This is attributed to Hooker; whether the words were spoken by him or not, they were out of the heart of his system. "Every common soldier among you is now installed a magistrate; then show yourselves men of courage; I would not draw low the height of your enemies' hatred against you and so debase your valour." An essentially Puritan idea, to elevate a man by making him into a representative and trusted agent. And nothing better illustrates the principle I am seeking in the historic record, that quality animated the method of the Puritan representation.

Another and a greater man towers above these men who made New England. We cannot overlook John Winthrop in the most hasty survey of the beginnings of our history. His work is so well known and his record of himself is so complete that we need not dwell upon his part in the drama, further than to cite, "the best part of a community is always the least, and of that least part the wiser are still less."<sup>2</sup> Or his more general affirmation, "democracy is among most civil nations accounted the meanest and worst

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<sup>1</sup> Cited by Palfrey, *History of New England*, I., 536 n.

<sup>2</sup> Winthrop, *History of New England*, II., 428.

of all forms of government." Greater than any expressed thoughts of Winthrop was his masterly action. States are never conceived in the closet, nor made upon paper. He did the right thing at the right time and enlarged the narrowing tendencies of his sanctimonious brethren, whenever and however they moved forward in common action and together.

Representation should finally deal with the body personated and the delegates must stand for the conviction and possible action of those who put power into the hands of representatives. Who were the men who stood behind these leaders, who followed them to achieve these new methods of government, to attain to new forms of political and social life? The charter of King Charles was succeeded by the freemen of the towns of Massachusetts Bay. The General Court intervened, whether as mother or midwife, has occasioned much learned discussion.<sup>1</sup> If we study the process at any point we may not be absolutely sure whether we are dissecting the chicken or the egg, but the principle of representation I have stated, is never absent. In 1633 these freemen, in the most solemn and formal manner, subscribed to this oath: "Moreover when I shall be called to give my voice touching any such matter of this state, wherein freemen are to deal, I will give my vote and suffrage as I shall judge in mine own conscience may best conduce and tend to the public weal of the body, without respect of persons, or favor of any man."<sup>2</sup> These heroes had not arrived at Roger Williams's conception, that the consciences of others should have equal rights and full liberty in matters of conscience, but how fully they comprehended themselves as loyal parts and dutiful representatives of the State. There had been an oath previously taken in 1631. Palfrey<sup>3</sup> estimates that of the 118 freemen

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<sup>1</sup> See *Genesis of the Massachusetts Towns*, Adams and others.

<sup>2</sup> *Mass. Col. Rec.*, I., 117.

<sup>3</sup> *Vol. I.*, 348.

who took the oath at that time, from one-half to three-quarters of the number were Church members. In 1633 the General Court enacted the restriction, "no man shall be admitted to the freedom of this body politic, but such as are members of some of the churches within the limits of the same."<sup>1</sup> Apologists<sup>2</sup> have referred this action to an especial desire to propitiate Puritan purists in England. Cotton wrote to Lord Say and Sele and others "for the liberties of the freemen of this commonwealth are such as require men of faithful integrity to God and the State." But such petty criticism fails to grasp the significance of the whole movement in the colony of the Bay. These restrictions were in the line of development prescribed by the opinions of Endicott, Edward Johnson, Wilson and the rest. Where men are marked with "God's mark" there can be no discord. Of course the practical effect was, as it must be, notwithstanding Hooker's distinctions above cited,<sup>3</sup> to make the church door a way of political preferment. But the labels were scriptural and doctrinal, as ecclesiasticism always depends much on labels. Next to the freemen<sup>4</sup> in political and legal privilege came the inhabitants. These were not simply dwellers in the place, they were "all male adults, not admitted freemen of the colony on one hand, nor servants on the other, who by general laws or by special town acts were allowed to become permanent residents of the town."<sup>5</sup> The restrictions on persons not having the freemen's privilege were

<sup>1</sup> Mass. Col. Rec., I., 87.    <sup>2</sup> Palfrey, History of New England, I., 345.

<sup>3</sup> *Ante*, p. 346.

<sup>4</sup> At no period were the freemen any considerable proportion of the population. In 1679 small towns of twenty freemen were entitled to the regular delegation of two deputies to the General Court. Boston had a population which, in 1675, had been estimated at 4,000. She wished for a larger representation and remonstrated against the inequality of the parity, "shall 20 freemen have equal privileges with our great town which consists of near twenty times twenty freemen?"—(Ernst, Constitutional History of Boston, p. 17.)

<sup>5</sup> Hopkins, VII., 28. Haynes here accepts Chamberlain's definition. Genesis of the Mass. Towns, p. 72. See also *Ibid.*, Adams, p. 12. Goodell, p. 44.

somewhat relieved as early as 1641, when "every man, whether inhabitant or foreigner, free or not free," was permitted by statute to come to "any court, council or town meeting" and urge his motion or complaint. In 1644, enlargement of privilege to non-church members was formally refused.<sup>1</sup>

Clearly, the freemen of Massachusetts were a privileged body, selected, as I have shown, by qualitative customs, rather than by a strict rule of suffrage, to represent the whole body of citizens, as we should call the people of the colony. These privileges of the "ins" were constantly vexing the "outs," as occasionally appears in the side lights of history. Winthrop notes, in 1644, that certain decrees were not published, concerning a difference between the governor and council and the magistrates, because "the non-members would certainly take part with the magistrates, and this would make us and our cause, though never so just, obnoxious to the common sort of freemen."<sup>2</sup> Lechford's adverse opinion was as follows; "The most of the persons at New England are not admitted of their church, and therefore are not freemen; and when they come to be tried there, be it for life or limb, name or estate, or whatsoever, they must be tried and judged too by those of the church who are in a sort their adversaries." This whole system of suffrage and representation was very strong and based on the solid convictions of the people. We perceive this in the fact that all the movements for enlarging political privilege yielded little until 1681.<sup>3</sup> Then town inhabitants who had served worthily in local offices were admitted to be freemen. The privilege of property counted very little as against the restrictions of a non-freeman. All the towns guarded jealously the corporate hold upon the land. No one could sell his estate without the

<sup>1</sup> Winthrop, *History of New England*, II., 160.

<sup>2</sup> Winthrop, *History of New England*, II., 171, and Savage's note.

<sup>3</sup> 12 Hopkins, VIII., 53, 58, 59.

consent of the selectmen or town meeting. We should not construe this—as many writers have done<sup>1</sup>—too exclusively from the point of view prescribed by religious development. It was not so much orthodoxy, as every doxy, that contributed to build up and strengthen the political system of Massachusetts Bay. Massachusetts made her people subject to freemen who were Church members. The outs in the early days were constantly contending against these barriers, and often suffered great hardships. Connecticut, with less technical restriction, carried her policy along an even road, prescribed by the concurring opinions of her freemen. Rhode Island, having entirely abolished her religious restrictions, developed her polity on lines very similar to the purely political development of Massachusetts and Connecticut. We have noted the agreement subscribed in Providence, “only in civil things.” In 163 $\frac{7}{8}$  freemen were admitted at Newport, “none but by consent of the body.”<sup>2</sup> In 163 $\frac{9}{10}$  there was a general assembly of the freemen of the Plantations. Those who could not attend, sent their sealed proxies (for election of officers) to the judge. In 1647 a majority of the freemen of the colony were present at the General Assembly, when a compulsory quorum of forty was established. This is regarded as the beginning of a representative system.<sup>3</sup> Afterwards freemen of the towns were always made freemen of the colony on request to the General Assembly. In 1655,<sup>4</sup> after nearly a score of years, and customs were well established, “not every resident was a legal inhabitant.” In most cases there was an orderly development of citizens in the modern sense. First a settler, then an inhabitant with rights to common lands, he was eligible to jury duty and to hold the lesser town offices; if satisfactory he was then propounded to be a freeman. At first the freemen were

<sup>1</sup> See Doyle, *Puritan Colonies*, I., 134.

<sup>2</sup> Arnold, *History of Rhode Island*, I., 127.

<sup>3</sup> *Ibid.*, p. 202.

<sup>4</sup> *Ibid.*, p. 256.

all owners of land. A few years later others were admitted who held the franchise without land. The famous restriction on suffrage was not imposed until 1723.<sup>1</sup> This required a freehold qualification of £100, or an income of £2 from real estate; the eldest son of a freeholder could also vote.

The slightest survey shows that in all the colonies there was a general restriction of suffrage and representation. The cause is plain, in that the great unthinking majority determined to be represented by those leaders whose quality accorded with their own political purposes. Massachusetts and Connecticut conceived the Church to be the only means of reaching this end. When Rhode Island cast off this means of primary organization she came at last to the freeholder and the land, as her basis and stay of society, in place of an organization of saints in the Church. In either case, democracy alone could not hold the field. The voice of the people needed some collateral organized system to give stability to the progress of the State. The formal transfer of the powers of the corporation under the Charter of Massachusetts did not occur until the year 1634. A great movement was in process—and the proceedings were as mysterious, so far as records go, as if they had occurred in Athens—this movement brought together deputies of the towns. These deputies reënforced the more aristocratic assistants or governor's council, and they formed the rude basis of a popular House of Representatives.

In some way, no one knows by what authority, the deputies assembled. With the crude notions of popular sovereignty always prevailing, whether the expositors be democrats or anarchists, these law-makers looked about them to find out on what ground they stood. According to Winthrop<sup>2</sup> they "desired a sight of the patent." After they found that their only constituted authority required that all laws should be made by the General Court, they

<sup>1</sup> Arnold, *History of Rhode Island*, II., 77.

<sup>2</sup> Vol. I., 153.

took counsel with the Governor. The sagacious statesman, with his usual moderation, explained that the ultimate purpose of the Charter undoubtedly intended a representative body of legislators, who should act for the freemen, whose increasing and inevitable numbers must swamp any common meeting. "A select body to intend that work" would in time be necessary, but now, we are not "furnished with a sufficient number of men qualified for such a business, neither could the commonwealth bear the loss of time of so many as must attend it." There was no spirit of oligarchy here; it was the old aristocratic notion of rulers and superiors: leave us to do your business and we will do better than you can do for yourselves. Like all sensible executives, Winthrop and the General Court appointed a committee to examine and report, fondly trusting that it would become annual and thus relieve the popular pressure. But the freemen, in town meetings assembled, could not be quieted by such aristocratic taffy, however skilfully administered. Like the child who vaults from the nursery stool to a seat at the family table, or the unbidden guest who is able to make himself welcome, three deputies from each of eight towns appeared at the next General Court. The other eight plantations of the colony, being distant and feeble, did not trouble themselves with the bother about popular or constitutional rights. Whatever prescriptive rights were lacking, the representatives of the freemen proceeded to make rights which should answer their purposes. These purposes had now become political, having worked themselves free of economic restriction, and having moved out from direct ecclesiastical control. By the Charter only the Governor with six assistants could admit freemen to the privileges of the Colony. Now the representatives prescribed positively that only the General Court could admit freemen, or appoint officers, civil and military, or raise money, or dispose of lands. For the first time Winthrop was passed over in electing

the Governor. Yet he served under Dudley in the second place just as cheerfully. These results show the invincible power of the popular movement, and especially in that it absorbed for the moment the great personality of Winthrop. That the whole arrangement was natural and that Winthrop speedily rose to the enlarged opportunity, is shown by the fact that he soon took the lead again, in the precedence which his abilities and character gave him.

Having considered the people in their assemblies and towns, we should turn to those remarkable organs of government which articulated between the towns and the common business of living. The town councils, selectmen, town-representatives sometimes called, were out of the very loins of the freemen. Whatever the King's Charter or the ecclesiastical functions of the Church might prescribe, in the selected councils of the towns, the New Englander had his own deputies under his own hand. The selectmen numbered from three to thirteen,<sup>1</sup> chosen by the town to order prudential affairs. In Connecticut<sup>2</sup> and Rhode Island<sup>3</sup> they had the probate of wills and administration of estates. In Massachusetts probate was conducted by the County Court.<sup>4</sup> To give the multifarious offices and duties<sup>5</sup> of these minor executives and small legislatures in all the towns of New England, would fill out more than this hour. We are more concerned with the manner of the doing than with the acts done. Dorchester may well be considered a typical town, for on this community John White set his mark, and there was no more potent influence in shaping the pioneers of New England. These solid Puritans, in 1645, "laid to heart the disorders that too often fall out among us and not the least was seldomest in our town meetings, . . . being heartily sorry for and ashamed of the

<sup>1</sup> Howard, *Local Con. History*, p. 75.

<sup>2</sup> *Ibid.*, p. 76.

<sup>3</sup> Arnold, *History of Rhode Island*, I., 209, 369.

<sup>4</sup> Howard, p. 331.

<sup>5</sup> *Ibid.*, see pp. 79-88.



premises.”<sup>1</sup> They prescribe the election of “seven or so many of our most grave, moderate and prudent brethren as shall then be thought meet for the managing of the prudential affairs of the town for that year.” The town goes on to arrange carefully for the conduct of business in the town meeting. “When the company is assembled as aforesaid it is ordered that all men shall attend unto what is propounded by the seven men and thereunto afford their best help as shall be required in due order avoiding all janglings by two or three in several companies as also to speak unorderly or unseasonably. . . . in case the seven men shall refuse to propound any man’s motion the party shall after some competent times of patience and forbearance have liberty to propound his own cause for hearing at some meeting provided all disturbance and confusion be avoided.”<sup>2</sup> It was also ordered that no man should leave the town meeting without “due notice unto the moderator and declaring such occasion as shall be approved by the seven men” upon pain “of twelve pence.” All the towns were as liberal with their selectmen as Weymouth, which enacted in 1651: “Wee willingly grant they shall have their Dynners upon the towns charge when they meete about the Towns affaires.”<sup>3</sup> Boston paid £2.18.5 for “diet for the selectmen in 1641.” This system of deputing the substance of the public business to the selectmen, worked easily and completely, as it carried out the wishes of the freemen, and through them met the desires of the governed. There was a qualifying action on the part of the prudential or selected body, which screened off and then adapted the public business to the exigencies of town meetings and of circumstance. One proof of this may be inferred from the history of the largest town of all, Boston. Here the original course of proceeding was followed until 1702, when

<sup>1</sup>Genesis of the Massachusetts Towns, p. 13. The records are largely cited by Adams.

<sup>2</sup>Genesis of the Massachusetts Towns, p. 16.

<sup>3</sup>*Ibid.*, p. 23.

the business of town meetings was confined to matters "especially express in the Warrant."<sup>1</sup> In 1715 the Province<sup>2</sup> made a general law to the same effect. So long and so closely did the selectmen and town meeting move in accord with the freemen that no general restraint was needed through a notice in the warrant. We shall gain insight into the practical ways of developing government, especially in Massachusetts, by a glance at the methods of nominating assistants. These were under the Charter, the governor's council; they were to be the upper house or future senate, and as the name indicates they were intended for a constituent part of the executive and became a legislative body in the inevitable development of New England. The nomination of these assistants was a process, wherein the qualifying or selecting methods must be well adjusted, or there could not have been harmony in the clumsy, though simple, mechanism of the period. As early as 1640 there began to be regulation of the nominations. After several expedients, they adopted in 1644 a plan,<sup>3</sup> retained, with slight modifications, until the royal government overrode all such administration. It was thoroughly worked out. In town meeting each freeman first voted for any nominee that he pleased, a committee carried these votes sealed to the county town. These delegates then chose one or two, called "shire selectmen," to carry the sealed votes to Boston. With much formality the central convention reported to the selectmen of the various towns the names of seven assistants who had received the highest number of nominating votes. The selectmen announced these names, and these only were voted for at the regular election of assistants. Ballots and proxies were used in elections of magistrates; Indian beans—white for election, black for blanks—were formally substituted for the scarce paper in casting

<sup>1</sup> 8 Bos. Rec., 17, 21.

<sup>2</sup> Prov. Laws, II., 30.

<sup>3</sup> Howard, Local Con. History, p. 354.

ballots. In 1680 Indian corn was adopted instead of beans. These are homely reminders of the constant process of evolution; by which representative government was rooting itself in the soil of New England.

There seemed to be an inevitable development of the freeman, the town, and the legislature, out of the common loins of the people. Many expedients were tried or suggested, then sloughed off as unnecessary for these three institutions, which became the trinal support of the State. For example, in 1644 the General Court of Massachusetts moved to substitute county representation for the direct delegation of the towns. They recited the inconveniences and, "furth<sup>r</sup> foreseeing y<sup>t</sup> as townes increase y<sup>e</sup> numb<sup>r</sup> wilbe still augmented," they proposed that twenty deputies be chosen by the freemen of the various shires: six in Suffolk, six in Middlesex, and eight in Essex and Norfolk jointly.<sup>1</sup> The towns declined this easy method of compressing their privileges; power was no longer moving downward from the chartered court, it was ascending from the people.

One of the curious restrictions made by the first generation was in the exclusion of practising lawyers from the deputies or lower house of the General Court. To be exact it was "any person who is a usual and common attorney."<sup>2</sup> While there was a certain propriety or scruple of decorum in this, inasmuch as the General Court was a court of appeal, when lawyers might be concerned in the cases coming there, we may well doubt if such was the main motive. When we consider Lechford's sorry experience, when he was the only regular lawyer and could not maintain himself at Boston, there appears to be a deeper reason for the exclusion. The upper house or assistants was a more aristocratic and naturally exclusive body than the house of deputies. The assistants were better placed, better educated, generally enjoyed longer terms of office, and had

<sup>1</sup> Howard, *Local Con. History*, p. 355.

<sup>2</sup> *Mass. Col. Rec.*, IV., Pt. II., p. 87.

many men of legal training among them. Among the deputies the average freeman found himself most at home and he deliberately excluded working lawyers, when their experience and information would have been certainly useful. This was the laic instinct in the New Englander. It manifested itself quite as often in mere prejudice as in the matured independence of the layman. He would have liked to exercise the same power and make himself his own priest in the Church, if he could, but he did not quite dare to tackle the unseen world of spirits. And this is no mere figure of speech, when transported to the life of the seventeenth century. There were actual devils all about and a restless Providence over all, who might oppress or neglect the unwary sinner. The Puritan must have a minister, armed in all the panoply scripture and ecclesiasticism could afford, to breast the attacks of Belial and Satan, to soothe a Jehovah whose methods were rather Satanic.

But on this firm earth the freeman was sufficient unto himself. He could deal with matter, with the earth and earthly things, to his own satisfaction. Law he could make, and precedent he despised, if it did not run according to the accordant notion of the saints marked with Endicott's one seal. Therefore he fondly hoped to dispense with the trained exponents of human law, and to make his own codes, out of his own practical hardy sense and the crude inspirations of a virtuous people.

We might cite numerous illustrations from colonial history to support the positions taken in the beginning. They would all tend in the same direction. In the whole course of colonial political life we find the same qualitative selection and work, and bringing out the force of the people for the immediate business in hand. We shall gain more insight into the matter if we pass to one of the greatest instances of qualitative representation shown in history.

When the awful chasm yawned between the people of

America and the ministers of George III., who were seeking to enforce his royal prerogative; the people, whether freemen or not, whether church members, landholders or not, looked about for a new means and manifestation of government. The old machinery of government could not serve in revolution, could not destroy itself. Some medium was imperative that should embody the new civic force of the people; and put its faith in an energy which could not be exercised through the King's representatives. This was far from independence. That great word was not even whispered. The people were subjects and, feeling so, they were casting about for new organs of political expression, new legislators and governors, who should bring them in some vague way nearer their master, the King. At least this was the form of the movement, though its spirit soon carried the movers beyond their original purpose.

Accordingly, throughout the colonies, there were formed local committees of "Safety, inspection and correspondence." Poor Hutchinson, born in an unfortunate period, too wise for his time, too scrupulous for revolution, saw the bearing of these committees, which underrun the ground of sovereignty itself. He condemned these committees as "not warranted by the constitution," and declared the doctrines set forth by the towns "dangerous." The highest quality of the New World went to the making of these committees. Francis Dana, in writing to Elbridge Gerry, called them "the corner stone of our revolution or new empire." By 1774 they had virtually ceased to be subjects, for Warren voiced their high purpose in these noble words, "when liberty is the prize, who would shun the warfare, who would stoop to waste a coward thought on life?"

The popular character and the representative essence of these committees is fully revealed in the resolutions which accompanied the contributions from all New England to the sufferers at Boston, through the Port Act in 1774. New

Hampshire wrote, the contributions "are from the industrious yeomanry . . . a small part of what we are in duty bound to communicate (give) to those truly noble and patriotic advocates of American freedom who are bravely standing in the gap between us and slavery, defending the common interests of a whole continent, and gloriously struggling in the cause of liberty."<sup>1</sup> Connecticut called her remittance "the first payment of a large debt we owe you."<sup>2</sup> Rhode Island looked to the future in the common obligation of all the people. "Due care will be taken in this town to afford you that relief your circumstances may require and our abilities may afford."<sup>3</sup>

Words may or may not stand for things, as results will certainly indicate. But in money and the tax, government always touches the true nerve-currents of political life. A tax voluntarily rendered is a certain touch-stone of representation. Samuel Adams, Warren and the rest had struck home to the hearts of the people. It was through the essential quality of these leaders, drawing from the like elements in their constituency, that a new representation was established, and that Mr. Dana's new empire came into being. A whole people cannot call forth such a tremendous evolution in government as revolution creates. It proceeds from leaders. A significant illustration in the opposite direction is afforded by the destruction of slavery in the United States. Mr. George P. Marsh told me: "Emancipation was the first movement ever initiated by the *people* of the United States."

Some general observations are consequent to this study and force themselves upon the mind. We may well leave particular history at the Revolution, and consider the principles which are involved in this historical development.

Before fully defining representation we must glance at

<sup>1</sup> Mass. Hist. Col., IV., p. 145.

<sup>2</sup> *Ibid.*, p. 117.

<sup>3</sup> *Ibid.*, p. 192.

sovereignty. It is a difficult term. One may say, if the people are sovereign, and if each member of the people has personal rights—and this was demonstrated in the American Revolution, in spite of all chartered prerogative and constitutions—if this be the case, then each man is an autocrat and the people are absolute. But wait! Absolute power, like the divine right of Kings, has become more of a historic figment than a political substance. The royal prerogative in England<sup>1</sup> has been silently disintegrated like an iceberg in its surrounding waters. Absolute power, irrespective of constitutional and legitimate limitations, has become a thing of the past. There have been curious illustrations of the failing power of this absolute will, whether put forth by haughty Czar or homely freeman. Rhode Island, once an almost pure democracy administered by a social aristocracy, had a constitutional revolution and a rebellion verging upon bloodshed in 1842. In the discussions of the times, a fiery suffrage orator would often exclaim, “if sovereignty don’t reside in the people, where the — does it reside?” So complex was a representative government to an ignorant freeman.

We may hope that absolute power—as a working force—has ceased to be in civilized States. The people are sovereign, but we reach the people not through persons exercising personal rights, but through institutions embodying the rights of all. Individual wills are subject to the great two-fold will of the people. A mass may vote an absolute decree. Before it can be executed, through the many checks and balances of the State, the corrective judgment of the whole comes to regulate the will even of

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<sup>1</sup> It has been well said of the limitations of sovereignty in England . . . “the people may do what they like with their own. But no such doctrines are known to English law. In that noble system the law of political conditions spontaneously finds its appropriate place. . . . Every power and every privilege, to whomsoever it belongs, is given by the law, is exercised in conformity with the law, and by the law may be either extended or extinguished.”—Hearn, *The Government of England*, p. 3.

the larger part of the great voting mass. When the whole State has acted through these time-hallowed organs, we have the strange but delightful paradox of a people obeying itself, without the absolute power of ruling itself.

A mystic essence, hard to define, has gathered about the phrase, "sovereignty of the people." Patriots and demagogues alike have used it, to urge the purpose of the moment. This is no defined principle, it is a popular fetich, which does not concern us. To get at sovereignty—as it actually works in constitutional States—we must consider representation in our land.

Representation gives to electors in the community the right directly "to depute persons in whom they have confidence and trust, to represent them in a legislative body, and to give in advance their sanction to the laws they may enact."<sup>1</sup> Custom and long habits of definition have influenced our minds so thoroughly that we almost invariably treat the constitution of society as either aristocratic or democratic in a political sense. This political signification does not apply to American experience, and we must get rid of it. "The politics of democracy considers the equality of men the fundamental law of nature, the supreme law of the State. The politics of aristocracy, on the contrary, finds the basis of all political order in the natural differences between men."

This fine explanation might satisfy a Greek or French mind; it would not explain or comprehend the colonial experience I have described, or we may add, the present experience of a western territory or State. The citizen of an English colony or of the United States went to his political task, partly natural, as the French would say, and partly the creature of the chain of circumstances engaging him. In other words, person and institution combined in the act of that freeman and representative who votes in the

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<sup>1</sup> Lewis, *Use and Abuse of Political Terms.* pp. 128-142.



first movement toward erecting a State. For example, an indentured servant comes over in a colonial vessel, perhaps bound for his passage money. In a very short time, this figuratively equal, but politically unfree creature, acquired land and voted alongside Winthrop in Massachusetts or Lord Fairfax in Virginia. It is nonsense to say that any natural equality or natural difference affected this man politically, in one way or another. The individual man had a new opportunity in the new countries, which were being distributed, not according to feudal service or ecclesiastical obligation, but on a new basis and by a political system. He seized this opportunity to become a citizen. Aristocratic difference and democratic freedom met in the person and in the political action of this American landholder. Land and its contingent institutions afford the most striking illustrations of this evolution, but the same social principles prevail throughout American society.

The citizens—having been elected or selected, as it were, from the existing society—the technical electorate proceed to constitute the higher organs of government; the legislature, the executive and the judiciary. The legislature chiefly concerns us at this moment. It is essentially a higher assembly than the old folk-mote or any assembly of the Germanic races. The representation embodied in the electorate, clothes its members with a dignity derived from the whole body of the people. The process of representation might vary and be locally different. Towns and counties, large and small States, must give different models and forms of representation, but they all work from similar principles and achieve homogeneous results. All the forms include and exemplify the following principles:

- I. Representation is based on persons.
- II. Representation is based on a majority.
- III. Representation makes a majority effective, rather through qualitative than quantitative action.

The power of principles and not the mere weight of members controls the State.

### I.

The suffrage and the representation of the voter here has potentially rested on persons from the beginning. The principle holds, though occasional facts varied from this standard. Massachusetts had a partial ecclesiastical representation, as we have seen. South Carolina had a complicated method of increasing every ten years the proportional representation of her wealthy southern districts, as against the more populous northern districts, by allowing more members in consequence of more taxes paid; the relative increase becoming the virtual representation of a community and not the direct representation of property. The Charter government of Rhode Island restricted suffrage to freeholders and their eldest sons. Again, the compromise representation of slaves under the constitution was a partial recognition of property, or of a class of citizens based on property. All these variations were abnormal, and they were gradually rubbed out by the political attrition of the changing time. The representation of the Mormons in Congress—as Mormons, not as citizens—was a virtual failure. It is easy to predict that no recognition of classes or guilds, of vested interests, of social or religious associations, of specialists in any kind—farmers, merchants, manufacturers, laborers, preachers, teachers;—that no recognition of any special classification of citizens will ever be made by the United States. The American franchise is a consolidating force, and it is likewise a dissolving force of great power.

It might be said that senates are an exception to this direct representation of individual persons. This is more apparent than real. In form, senates—State or congressional—are not popular organs of government; but they

are not anti-popular. They are rather the highest evolution of the system, by which town, county, city, State, by which all these organs modulate the action of the citizen. They naturally and properly represent the grand political thought, the deeper consciousness of the whole people. They are not a guild or corporation outside the popular organs; they are rather an amalgamating centre which thus far has transmuted the soberest convictions of the people into well measured political action. Their remarkable success in the past should indicate and direct their necessary course for the future.

## II.

The representation by persons, the bringing of the largest number into the representative action of the whole people, necessarily carried with it the working superiority of a majority; when practically all were represented, then the larger part of that all must prevail. Though party government has not developed in the same form as in Europe, the American representation has constantly tended toward two great parties of voters. This large separation soon surpassed all minor differences. A third political party never lasted long; it either became a majority or it was absorbed by a larger principle.

This was not an accidental tendency, but a legitimate development. Our intense local administration of affairs might have descended into narrow particularism, if the larger national force had not prevailed and had not been generally prevailing over the many and narrow parts. This larger political consciousness even enforced an unconscious respect for the minority, in the action of the majority itself. The majority could not proceed, as if it were the whole, and as if the lesser part did not exist. To illustrate this subtle influence of a minority, we may remember the power of the anti-slavery voters prior to 1860.

## III.

It is impossible to comprehend or elucidate the actual

operation of a majority in America without our third proposition. When we consider what the mass of the American people have done in some two centuries and a half; that they have subdued a continent, and in the process have sent back to Europe enough new political ideas to fairly balance the receipt of old social ideas from the elder people,—it is worth inquiry, what has been this political process? Mark you, it has been the great mass of average persons—Mr. Lincoln's plain people—who have done this work. How were they organized to do it? Moreover, as the power of a majority is increasing in all countries, as larger and larger bodies of voting people are coming to act on public affairs, the query, how will they act, becomes more important. Sismondi said, "perhaps the greatest difficulty in politics is to make the people worthily elect its representatives."

As I have tried to show, our forefathers evinced great sagacity in the art of government when they perceived—intuitively, if not consciously—that the greater and less involve quality as well as quantity. While our representation is based on persons, there are many factors entering into the political action of those persons. Property, condition, education—the immediate active condition, what may be called the momentum of each voter—enter into a political movement, and all these influences inevitably work in a qualitative way. A few perceive a strong and major political principle; their conception penetrates wider circles and affects larger numbers, the conception enlarging as it goes. For example, a very small number, in 1789, perceived that federalism must become union, and a union wielding the force of an empire. I have alluded to the course of anti-slavery; civil service reform likewise has affected politics through its quality, and through a small number of advocates.

This is a well defined drift and bent of modern democracy, and a leading reason for its success in changing the political characteristics of various nations. It is not by any new

rendering of the dogma of equality, but by better assimilation of the mass in a large number to the best purpose of the most enlightened, that democratic government works well. France has strengthened her government by more effective representation of her people as a whole. Her monarchical, imperial and radical parts have been ground together in a republican mill; while the result is not ideal, it has enlarged the scope of representative government.

In the final working of an American majority mere numbers affect the effective result comparatively little. It is the sympathetic action of the great mass, not its crushing weight, which gives political momentum to the last great factor, the majority; numbers convey this force, as iron rails carry the locomotive, but there is no essential force in the rails to urge forward the train. The qualitative power of the voter enables him to impress himself on the mass of men, to institute his voting will as an organic part of the machinery of government. This appears in all the forms for guarding the rights of minorities. All important organic measures require two-thirds to three-quarters of the votes—and generally more than one trial—before they prevail as laws. A majority of 65 per cent. is just as much neutralized as a minority of 49 per cent. is nullified in ordinary legislation. In the casting vote of a president or chairman, the vote thus brought in becomes qualitative and is much stronger than any other vote in the body.

The qualitative power in representation involves large consequences. The power of the State, the force of the whole community is exerted through the settled functions of the government. The course of action, after being established by a clear majority, is instituted in a legislature, an executive and a judiciary. A definite political desire, working through the mass of the people, becomes a creature of the State and is administered with its whole power. As said above, whether it be expressed in the proportion of 65 per cent. or 49 per cent., the majority and minority are

both cared for. This is the power of the people moving outward, through and according with the organs of government. It is the same process as that of the old dogma of the divine right of kings, which on the contrary moved outward and downward through the people. Consider the political action of slavery from 1820 to 1860. It had a large political advantage; though a minority in numbers; it moved legislature, executive and judiciary at its will until 1861. Had the issues been all political, it may be reasonably supposed that slavery would have finally converted the whole United States. Its moral defects, and especially its relative economic weakness when it moved masters with slaves in opposition to a homogeneous mass of freemen, in settling new territories; these defects developed political weakness, insurrection and rebellion.

A fine illustration of this qualitative influence in affairs, through the inevitable action of the solid parts of government—and one developed by the American people—is afforded by the United States Supreme Court. Here five or forty cases may be decided by five or forty courts, and then all may be reversed at Washington. Hundreds of lawyers and judges below work toward a certain end; then that end may be reversed by five out of nine men. These men are known to be not inspired; the courts especially repudiate all forces lying outside the reason. Yet numbers implicitly yield opinions, property or vested privilege to this institution, which is larger through its quality. Equally remarkable, in another direction, was the political power of the emancipation proclamation in 1863. A comparatively small minority believed in it when the executive put it forth. If the issue had been popular, a majority would have voted it down, probably. The State supported this deliberate act of the executive, resting on a minority in numbers, until the people were changed into a friendly majority, by the qualitative power of the measure and the action of the government.

These are deep principles and root-ideas in popular government. We began their elucidation among the weak communities and in the wilds of Massachusetts Bay, Connecticut and Rhode Island. It would be interesting to inquire how Teutons and English acquired them so readily, how Romans and Greeks never practised and apparently never perceived them.

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**Professor William Dwight Whitney**, of Yale University, died at his residence in New Haven June 7, 1894. He was born in Northampton, Massachusetts, February 9, 1827, graduated at Williams College in 1845, and after spending three years in the Northampton Bank, of which his father was the president, went to Yale University to pursue studies in the Oriental languages.

A department of instruction for college graduates had been established at Yale in the closing years of the first half of the century, and Mr. Whitney was a member of one of the earliest classes. Arabic and Sanskrit were taught by Professor Edward Elbridge Salisbury, LL.D., the pioneer in introducing the study of Oriental languages into American Universities, and his first class consisted of the late Professor James Hadley, LL.D., and Mr. Whitney.

A year later Mr. Whitney went abroad, where he spent three semesters at Berlin and two at Tübingen. While at the latter University, he undertook, in collaboration with Professor Roth, with whom he had been pursuing his studies in Sanskrit, the preparation of an edition of the Atharva-Veda. This work involved the collation of manuscripts in various European libraries, and he spent some time, for this purpose, in those of the Universities of Paris and Oxford, and in the British Museum. It was published in Germany in 1855 and 1856. Meanwhile, he had made valuable contributions to philology, by papers appearing in

the *Bibliotheca Sacra* (1849 and 1850), Weber's *Indische Studien* (1852), and the Journals of the American Oriental Society (Vols. III., IV., and V.). In 1853, while still abroad, he was appointed Professor of Sanskrit at Yale, the chair having been founded for him by his first instructor, Professor Salisbury; and he entered upon his duties in the following year. This, it is believed, was the first University Professorship (as distinguished from one appertaining to a college or preparatory school) which was established in the United States. He also gave instruction for many years in modern languages in Yale College, and in the Sheffield Scientific School. In 1870, his Professorship was made one of Sanskrit and Comparative Philology, and lectures on the latter subject were given in Yale College, until failing health, in 1886, compelled him to confine his instruction to graduate classes.

In 1855, he was made Librarian of the American Oriental Society, and subsequently became its Corresponding Secretary and President. In 1861, he received the degree of Ph.D. from the University of Breslau; in 1868, that of LL.D. from Williams; in 1874, that of J.U.D. from the University of St. Andrews; and in 1887, that of L.H.D. from Columbia. He also received the degree of LL.D. from William and Mary, Harvard, and Edinburgh. He was a member of the National Academy of Science; an honorary or corresponding member of the Asiatic Societies of Great Britain and Ireland, Germany, Bengal, and Japan; of the Academies of Berlin, Dublin, St. Petersburg, Rome, and Turin; and of the Institute of France; and a Knight of the Prussian Order of Merit, to which he was admitted as the successor of Thomas Carlyle, upon the death of the latter.

Professor Whitney gave to the American Oriental Society, from his first official connection with it, in 1855, until his death, most faithful and loving service. In several of its published Journals, the contents are mainly from his



pen, and he spared no pains in editing and preparing for publication the contributions of others.

Professor Whitney was the author, during forty-five years, of 144 different publications which may be said to be of permanent value, besides many occasional letters and articles in the periodical press. Among his principal works, following the edition of the Atharva-Veda, already mentioned, was a translation with notes of the *Sūrya-Siddhānta*, a text-book of Hindu Astronomy (1860), and of the *Atharva-Veda-Prātiṣākhya* (1862); *Language and the Study of Language* (1867), which has been translated into German and Netherlandish; a *German Grammar* (1869); a *German Reader* (1870); a translation with notes of the *Tāittiriya-Prātiṣākhya* with its commentary (1871); *Oriental and Linguistic Studies*, 1st series (1873), 2d series (1874); *the Life and Growth of Language* (1875), which has been translated into German, French, Italian, Netherlandish, and Swedish; *Essentials of English Grammar* (1877); a *Sanskrit Grammar* (Leipsic, 1879), which has been translated into German, and has gone through two editions, the second in 1889; an *Index Verborum* to the *Atharva-Veda* (1881); and a *French Grammar* (1886.)

He was the author of important titles in the *Encyclopædia Britannica*, *Appleton's New American Cyclopædia*, and *Johnson's New Universal Cyclopædia*; a leading contributor to the great *Sanskrit Lexicon* published at St. Petersburg (1852-1875); and the editor in-chief of the *Century Dictionary*. To the magazines of this country he was a not infrequent contributor, particularly to the *New Englander*, *Bibliotheca Sacra*, *Princeton Review*, and *North American Review*, and occasional articles from his pen appeared in the *Transactions of foreign societies*.

He was the first President of the *American Philological Association*, and a frequent contributor to its publications.

Professor Whitney was one of those rare scholars in whom profound learning is graced by the faculty of clear

expression. He was not only a master in his department of research, but a true teacher of men. Whatever he knew, he knew so thoroughly and clearly, that it was a simple matter to impart it to others in simple words. He felt that science was useful to mankind in proportion to the power to make ready application of it to common use. No other man in America, probably, has ever done so much to popularize the study of language on broad lines, and bring the best results of critical researches within the reach of all, in a simple and attractive form.

In his habits of study and literary production, he was exact, methodical, punctual, and painstaking. No slovenly work ever went from his hand, and none came under his eye for criticism, which passed unchallenged. Superficiality in anything or anybody was his abhorrence. Controversy was distasteful to him, and he seldom engaged in it, but when he felt called upon to denounce false standards of scientific doctrine, he spoke with no uncertain sound, and could bring sarcasm as well as scholarship into play.

Besides the studies to which his life was mainly devoted, Professor Whitney paid much attention to the sciences of ornithology, astronomy, and geology. A large case in the Peabody Museum at Yale is filled with specimens of the birds of New England, shot and stuffed by his own hand. The notes and illustrations to his translation of the *Sūrya-Siddhānta*, an extended astronomical treatise, evince a familiarity with the subject as viewed both from an ancient and a modern standpoint; and his geological studies, commenced in his boyhood in the library of his older brother, Professor Josiah Dwight Whitney, LL.D., of Harvard University, were afterwards prosecuted in the field, as a member of two United States Geological Surveys, one, that of the Lake Superior Land District, into which he entered before assuming his Professorship at Yale, and another, many years later, in Colorado. He was a great lover of music, also, and took an active

part in promoting its general cultivation in New Haven.

In the relations of private life Professor Whitney endeared himself to all who came within the circle of his acquaintance. He was always unassuming, considerate, thoughtful for others, entering warmly into whatever interested those around him, and ready to assist them in any direction in which he could be of service. Few have had closer personal friendships, or deserved them better.

Professor Whitney was elected a member of the American Antiquarian Society in April, 1868. S. E. B.

**Grindall Reynolds, D.D.**, died in Concord, Mass., September 30, 1894. He was born in Franconia, New Hampshire, December 22, 1822. He was of a Massachusetts family which had been eminent for the qualities of good citizenship from the time of the earliest settlement. He was descended from the family of Archbishop Grindall. His father, Grindall Reynolds, was born at Bristol, Rhode Island, October 12, 1755. He was a Revolutionary soldier, and served as private, ensign, lieutenant and captain. Dr. Reynolds's mother was Cynthia Kendall, born in Fitzwilliam, New Hampshire, April 13, 1795. She was his father's third wife. They were married at Landaff, New Hampshire, August 9, 1820.

Dr. Reynolds was married to Lucy Maria Dodge, at Boston, February 7, 1848. She was the daughter of Nathaniel Putnam Dodge, born in Andover, Vermont, March 20, 1802, and of Lucy Gilmore, born in Weston, Vermont, June 22, 1807. The wife of Dr. Reynolds was born in Andover, Vermont, September, 15, 1827. They had three children, all born in Jamaica Plain, West Roxbury, namely: Edward G., born April 3, 1850; Lucy G., born April 26, 1852; and Alice, born March 26, 1856. They all survived their father. Lucy G. married Charles S. Richardson, at Concord, Mass., in April, 1880. Alice married Prescott Keyes, at Concord, Mass., July 6,

1881. Dr. Reynolds's brother, Henry Russell, was born in Boston, April 1, 1830. His sister, Cynthia Kendall, was born in Franconia, New Hampshire, May 12, 1821. Mrs. Reynolds died February 18, 1887.

Dr. Reynolds was elected a member of the American Antiquarian Society, October 21, 1885, and contributed to our Proceedings of October, 1887, a paper entitled "King Philip's War, with Special Reference to the Attack on Brookfield in August, 1675." Harvard University conferred upon him the honorary degree of A.M., in 1860, and in 1894, the honorary degree of D.D. In conferring the degree, President Eliot said:—

*In rebus divinis oratorem eloquentem, administratorem prudentem, ab Unitariis rationibus optime præpositum.*

Dr. Reynolds was sent to the district school in Franconia, New Hampshire, where his father had charge of some large iron works, at the age of four years. The school-house was one of the plainest of the New England school-houses, and Dr. Reynolds describes it, as he remembered it, as "rude in construction, its desks as primitive and hacked, its seats as hard, and the discipline within it as harsh and unreasonable, as any that historians have described or romancers painted." When he was five years old, the family moved to Boston. He attended the primary school at the corner of Federal and High streets, until he was seven years old, when he was promoted to the Washington Grammar School. He was graduated there at the age of twelve, receiving a Franklin medal. He then became a pupil in the English High School, where he was under the instruction of Thomas Sherwin. He was graduated at the High School at the age of fifteen and one-half years, again receiving a Franklin medal. He entered the wholesale dry goods store of Thomas Tarbell & Co., passing through all the grades from errand boy to book-keeper, until in March, 1843, he determined to become a minister. He studied a year and a half under the direction of Rev.

Chandler Robbins, entered the Cambridge Divinity School in September, 1844, and was graduated in June, 1847.

He was ordained as pastor of the Unitarian Church at Jamaica Plain, in January, 1848. He stayed there ten years, then accepted a call to be minister of the First Parish at Concord. He was installed as minister in Concord, Mass., in July, 1858, and remained pastor of that Church until his death, twenty-three years as active pastor, and afterward as honorary pastor, with his colleague, the Rev. Benjamin L. Bulkeley. In May, 1881, he was elected Secretary of the American Unitarian Association, and held that office until his death. He furnished many articles for denominational magazines, and others for the *Atlantic Monthly*, and has published several pamphlets. Among these are—

A DISCOURSE PREACHED ON THE DEATH OF ZACHARY TAYLOR, PRESIDENT OF THE UNITED STATES, AT JAMAICA PLAIN, JULY 21, 1850.

DISCOURSE PREACHED ON LEAVING THE OLD MEETING-HOUSE AT JAMAICA PLAIN, WEST ROXBURY, MASSACHUSETTS, MARCH 20, 1853.

THE STORY OF A CONCORD FARM AND ITS OWNERS. February 1, 1883.

KING PHILIP'S WAR, WITH SPECIAL REFERENCE TO THE ATTACK ON BROOKFIELD IN AUGUST, 1675. October 21, 1887.

GRINDALL REYNOLDS; a biographical sketch of his father, in *An Account of the Seventy-first Anniversary of the Providence Association of Mechanics and Manufacturers*. 1860.

BALTIMORE SERMON. October 29, 1893.

CONCORD; in *Drake's History of Middlesex County*. 1880.

SERMON IN COMMEMORATION OF APRIL 19TH, 1775. 1875.

COL. GEORGE L. PRESCOTT; *Boston Daily Advertiser*, July 18, 1864. Also privately printed.

THE MORAL OFFICE OF THE TEACHER. 1855.

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Dr. Reynolds was a man of inflexible honesty, absolute sincerity in speech and behavior, simple, modest, unpretending and affectionate. He was fond of society, and was a welcome companion everywhere, whether among the simplest people, or in the company of scholars and persons of high social rank and large distinction. He had a great fondness for New England history, and the annals of the social life of our country towns. When he went to Concord, he entered zealously into the affairs of the town as if he had been a native. He soon became the trusted and confident friend of nearly every family in the town, and in that way became acquainted with its history and traditions, so that he probably knew more about the town than any other person, although there are many families there who have dwelt on the lands where they now live since the town was settled by Bulkeley, Willard, Hosmer and their companions in 1635.

Dr. Reynolds was a man of great business capacity. He managed the concerns of the American Unitarian Association with singular wisdom, discretion and success. He was a pillar in the town and a pillar in the Church. When he died it seemed as if something substantial and essential had been subtracted from the support of both. He inspired the absolute confidence, not only of his own denomination, but of other religious bodies, as well as of the secular press, which has paid many earnest and just tributes to his memory. The main work of his life was devoted to his profession and his denomination. But he had a rare aptness for historical investigation, and an admirable English style, which would have fitted him to write history, if, in his busy life, he could have found space for that employment. His

papers on Wheeler's Expedition to Brookfield, and the Story of a Concord Farm, led this Society to hope that as, in his advancing years, he should withdraw himself from the activities of his profession he would become exceedingly valuable to our membership. A great store of the local traditions and history of the town of Concord must have perished with him.

He was the official representative of his denomination. He cared little for discussing questions about which Christians differ, although he was fully equipped for such discussions when his duty seemed to him to require them. But he stated with great power and with great beauty the arguments which lie at the foundation of the Christian faith, and at the foundation of good morals and purity and uprightness in personal conduct. Some of his sermons deserve to be preserved, and to take a high place in religious literature.

G. F. H.

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