THREE COMMONWEALTHS, MASSACHUSETTS, CONNECTICUT, RHODE ISLAND; THEIR EARLY DEVELOPMENT.

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NEW ENGLAND was settled by one of those profound impulses in the popular mind which are not easily defined. The leading motive in this case was a desire for freer government, and it was formulated under the motto, freedom of worship, growing out of the division of parties in England. The nonconforming element in the mother country, afterward and for a time, overcame the conserving forces of English society. In the first quarter of the seventeenth century, when Robinson and Bradford had established their group of separatist pilgrims, first in tolerating Holland, then on the untrodden shores of Plymouth, the nonconforming Puritans, whether within or without the Anglican pale, being as yet a minority at home, sought the opportunity of a new and—as they conceived—a larger England.

The ancient forms of aristocracy and democracy,[1] descending from Aristotle through French writers into the eighteenth century, did not now trouble these nonconforming statesmen of England. They had a more ready source of statecraft and constitutional law. In the crude legislation and prophecies of the Old Testament, they found inchoate states, fresh from the hand of Jehovah. They fondly fancied that, freed from domination of pope and prelate, they could create anew the city of God. It may be doubted whether these familiar terms and symbols convey the whole, the universal truth. We are beginning to

[1] Woodrow Wilson, "The State," pp. 604, 605.

perceive that a large world has existed, outside the Hebrew, Greco-Roman and Teutonic experience. A Japanese scholar says, "the glory of having a free government is not necessarily confined to the Aryan family or to its more favored branch, the Anglo-Saxons. I believe that the seed of representative government is implanted in the very nature of human society and of the human mind. When the human mind and the social organism reach a certain stage of development—then the representative idea of government springs forth naturally and irresistibly."[1]

However these tidal waves of history may be interpreted, we are concerned here only with one current of evolution. Theology has immense scope in human affairs. In Catholic or Lutheran, in Anglican or Calvinistic communities, it puts forth varying forms of civilized, yea of political life. Without question, the form of church government known as Congregationalism afforded greatest freedom to political development in the seventeenth century. Independents, Baptists, Quakers and all forms of Separatists finally rallied through these meetings of the people, in the days when religious meetings developed into the power of the state. In the limited democracy of the Congregations of New England, the Puritan proper found his natural sphere. An acute observer has said, "Democracy when crowned with power, seeks rather what it considers the well-being of the community than the liberty of the individual."[2]

Taine says, "the Puritan is troubled not only by what he ought to believe, but even more by what he ought to do." He might have added, "and far more by what he ought to be doing on account of that which his neighbor doeth."

The great English movement colonizing the Atlantic

[1] Iyenaga, "Constitutional Development of Japan." "J. H. U. Studies," IX., 20.
[2] Stimson, "Ethics of Democracy." *Scribner*, I., 670.

states, brought to our shores European civilization subject only to the conditions of a new and free world. These American conditions prevailed in New England, and the Puritan motive expressed in Congregational democracy was engrafted upon them. An able Swiss publicist, Borgeaud, in a thorough study of all constitutional development, has given recently more prominence to the ideas of New England, than her own sons have claimed for her. He cites the ideas of John Cotton and John Wise to show the education of the people in the practical administration of local government. We must remember that the hierarchical principle—the attainment of social and political order through coöperation of priest and ecclesia—was much more potent in the seventeenth century than it is now. The wars of France and Germany and the execution of Charles I. sufficiently indicate that.

Borgeaud[1] cites Cotton—"that the ministers have power over people of the faith, that the people have an interest in their ministers, and that each member of the congregation acquires rights and duties in respect to his fellow members." John Wise, of Ipswich, more than any one man, opened the way for the American Revolution and for the manifestation of the representative citizen. Nearly a century after Cotton, he was saying in "A Vindication of the Government of New England Churches" words like these—"they must interchangeably each man covenant to join in one lasting society—then all are bound by the majority to acquiesce in that particular form thereby settled, though their own private opinion inclines them to some other model."[2] No French Calvinist ever comprehended this sort of give and take.

The parts became a whole in these words, "We, the people of the United States, in order to form a more perfect union. . . do ordain and establish this Constitution

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[1] "Constitutions, European and American," p. 7. [2] Borgeaud, p. 14.

for the United States of America."[1] Then John Marshall, "That the people have an original right to establish for their future government such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected."[2]

Borgeaud goes back to our commonwealths. "The constituent power throughout America is of New England origin. It is based not only upon the principle that the constituent authority resides in the people, but upon this further conception introduced into modern law by the Puritan Reformation, that this authority cannot be delegated."[3] He holds that the constitution of Massachusetts adopted in 1780 was "a sovereign decree of the people."

Some of the consequences of this evolution of popular sovereignty appear in a comparison of England with America. "The exercise of constituent powers in all its stages by a representative body without a special mandate, is compatible with the English theory which makes Parliament sovereign. It is not compatible with the American theory, which in this matter has replaced 'the King, the Lords and the Commons' by the people."

When our British cousins, within this generation, suddenly awakened to the fact that the whole government of Great Britain was concentrated practically in a majority vote of the House of Commons, they discovered a new respect for the constitutional checks of our American democracy.

The nexus between our colonial development and the autonomy of states working into the union is established by our Swiss publicist, interpreted through the sagacious observation of Mellen Chamberlain. "But those who emigrated to the colonies left behind them institutions

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[1] Borgeaud, p. 131. [2] *Ibid.*, p. 136. [3] *Ibid.*, pp. 137, 139.

which were monarchical in church and state, and set up institutions which were democratic. And it was to preserve, not to acquire these democratic institutions that the liberal party carried the country through a long and costly (revolutionary) war." [1]

These critical expositions of a disinterested and learned publicist give new emphasis to the political life of our early commonwealths in New England. We may ask attention to a review of history which is somewhat familiar.

The colony of Massachusetts existed for fifty-five years under a royal charter granted to the "Governor and Company of the Massachusetts Bay in New England." The charter empowered the freemen of the Company forever to elect from their own number, a Governor, Deputy-Governor, and eighteen Assistants, and to make laws "not repugnant to the laws of England." The executive, including the Assistants, was authorized, but not required, to administer to freemen the oaths of supremacy and allegiance.

Winthrop, the governor, with the deputy-governor and assistants, had been chosen in England. There were some preliminary meetings at Salem, but the first American Court of Assistants was convened at Boston, Aug. 23, 1630. Some 118 persons [2] gave notice at this Court for admission as freemen. There were eight plantations or towns that participated in this assembly. The Court voted that Assistants only should be chosen by the Company at large, and that the Assistants with the Governor and Deputy-Governor, elected from themselves, should have the power of "making laws and choosing officers to execute the same." This movement, erratic in a democratic government, lasted only about two years. May 9, 1632, the freemen resumed the right of election, limiting the

[1] Winsor, "Nar. and Crit. Hist. of America," VI., 1, 2. Cited by Borgeaud, p. 4.
[2] Palfrey, I., 322.

choice of Governor to one of the existing Assistants. These issues are interesting as revealing the tides of sentiment for more or less aristocratic restriction in government. Winthrop gives in detail the angry discussion which the forecast of this measure produced in the council. He told them[1] "that the people intended at the next general Court, to desire that the Assistants might be chosen by the whole Court, and not by the Assistants only. Upon this, Mr. Ludlow grew into a passion, and said, that then we should have no government, but there would be an interim wherein every man might do what he pleased, etc." Though the other leaders were satisfied, Ludlow continued "stiff in his opinion."

In 1634, there were about 350 freemen, more than two-thirds of whom, according to Palfrey, had been admitted since the establishment of the religious test, some three years previous. It was "ordered and agreed, that, for the time to come, 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."[2]

In 1635 and the year following, the General Court legislated to separate the municipal functions of the particular towns from the larger political prerogatives reserved to itself. "As particular towns have many things which concern only themselves and the ordering of their own affairs" it was "ordered, that the freemen of every town, or the major part of them, shall only have power to dispose of their own lands and woods,—to grant lots, and make such orders as may concern the well-ordering of their own towns, not repugnant to the laws and orders established by the General Court." They could impose fines not exceeding twenty shillings and choose "constables, surveyors for the highways, and the like."[3] Representation was proportioned roughly to the population,

[1] Winthrop, I., 74. [2] Mass. Col. Rec., I., 87. [3] *Ibid.*, p. 172.

ten freemen being the minimum for one representative. Towns could dispose of "all single persons to service or otherwise," subject to "appeal to the Governor and Council or the Court."[1]

A curious side-light is thrown on the working of democracy in New England, by the aberrations of the freemen in creating and abolishing a "Standing Council for life." It was a new order of magistrates, not contemplated by the charter, constituted March 3, 1636. Winthrop, Dudley and Endicott only were appointed under this authority "for term of their lives, as a standing council, not to be removed but upon due conviction of crime, insufficiency, or for some weighty cause, the Governor for the time being to be always President of this Council, and to have such further power out of Court as the General Court shall from time to time endue them withal."[2] It was claimed that this movement proceeded from Cotton, who derived his inspiration from Lord Say and Sele.[3]

May 22, 1638, the Deputies at the Court of Elections proposed an order "that no person chosen a Counsellor for Life should have any authority as a Magistrate, except he were chosen in the annual elections to one of the places of magistracy established by the patent." The Magistrates concurred,[4] altering the expression to an explanation instead of a repeal, thus "saving their face" in oriental fashion.

Mr. Savage[5] claims that this institution was the only example of a political election for life in our country. The extraordinary tenacity of this socio-political barnacle shows that Cotton, not to speak of Winthrop, did not easily part with the hope of bringing some of the ragged offshoots of feudalism across the Atlantic, and of planting them in the soil of the new Puritanism. The affair was of no practical consequence, but we are not yet done with

[1] Mass. Col. Rec., I., pp. 178, 186. [2] *Ibid.*, 167, 176, 178. [3] Palfrey, I., 442, note.
[4] Winthrop, I., 302. [5] *Ibid.*, note.

it. In 1642, "a book was brought into the Court wherein the institution of the Standing Council was pretended to be a sinful innovation."[1]

In his serious account of this business, Winthrop shows his customary patient forbearance. Yet his caustic sagacity in construing popular characteristics speaks forth in the following general consideration: "And here may be observed how strictly the people would seem to stick to their patent when they think it makes for their advantage, but are content to decline it where it will not warrant such liberties as they have *taken up without warrant from thence*,[2] as appears in their strife for three deputies, etc."[3]

In 1643 was accomplished the great change which separated the Magistrates and Deputies in the General Court and established the co-ordinate branches of a legislature, which has become the method of government in all the States and in the United States. As Winthrop states "there fell out a great business upon a very small occasion." Mrs. Sherman's sow, or her claim for one, became the occasion of a suit with Captain Keayne. This suit went through the inferior courts and coming into the General Court set Magistrates and Deputies at a variance, in a most unseemly way. Sympathy for the poor woman against the rich man affected the more popular representatives, the deputies, and jealousy between the two classes of legislators or judges confused the whole matter. The judicious saw that such disputes must be stopped, and henceforth the two houses held their sessions "apart by themselves." Moreover, according to the Governor, "this order determined the great contention about the 'negative voice.'"

The towns of Massachusetts, according to De Tocqueville, included in their first elements something creative and life-giving. In New England he says "the impulsion of politi-

[1] Palfrey, I., 614. [2] Italics are ours. [3] Winthrop, I., 303.

cal activity was given in the townships; and it may almost be said that each of them originally formed an independent nation.—It is important to remember that they have not been invested with privileges, but that they have, on the contrary, forfeited a portion of their independence to the State."[1] This position is opposed by Mr. Goodell and in the most positive terms by Mr. Charles Francis Adams, as follows: "So far as the Massachusetts system of towns is concerned, this proposition does not accord with well-established historical facts; and if the view taken in this paper of the connection between the charter of the Massachusetts Bay Colony and the Massachusetts towns is correct, it explains in a perfectly natural way the fact, so enlarged upon by Prof. Johnston, that, while the towns in Massachusetts developed out of the colony, in Connecticut the process was reversed, and the colony resulted from a confederation of the towns, in the way stated by De Tocqueville. The charter of 1629 was the germ in both cases."[2]

Mr. Adams cites the records of the early towns at length, and brings many interesting details to support the following conclusions:

"1st. The Mass. town government was of purely secular origin, and had no connection with the church organization, except that certain members of the church were freemen and inhabitants of the town, and the town was under legal obligations to maintain the church.

"2d. The basis of the town organization was the joint interest of individuals, commonly termed freemen or inhabitants, but sometimes planters, in a tract of land referred to indifferently as a town and as a plantation; and their inhabitants were in the nature of stockholders in a modern corporation. As such they exercised a jealous oversight over the admission into the enterprise of new inhabitants, proprietors or stockholders.

[1] "Democracy in America," 1889, I., 61. [2] 2 Proc. Mass. Hist. Soc., VII., 180.

"3d. In the original establishment of the town governments and their progressive development to meet the increasing requirements of a growing community the analogy of the charter was closely followed. The body of freemen or inhabitants constituted the General Court[1] of the town, subsequently called the general town meeting; and the townsmen, later on the selectmen, were the board of assistants, or, as they would now be called, directors.

"4th. As development and increased differentiation took place the original legal lines were strictly followed. The secular and the religious organizations separated more and more as new functions were from time to time imposed on the former; while the latter had already, at the very beginning, attained complete development."[2]

Again. "The organization of the Massachusetts colony was, on the contrary, distinctly and indisputably legal, commercial and corporate, and not religious, ecclesiastical or feudal."[3]

It will be observed that Mr. Adams and, more or less, his supporting authorities exalt the charter of the Massachusetts Bay Colony until it overwhelms and obscures all other forming causes. It is true that Mr. Lowell, whose statement he considers the best "of what the founders of Massachusetts originally proposed and what they subsequently did," with rare intuition strikes to the root and source of the forming power incorporated in these towns. Hear his suggestive words: "Sober, earnest and thoughtful men, it was no Utopia, no new Atlantis, no realization of a splendid dream, which they had at heart, but the establishment of the divine principle of Authority on the common interest and common consent; the making, by a

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[1] Mr. Adams applies this term "General Court" to town government.

[2] 2 Mass. Hist. Soc. Proc., VII., 196.

[3] *Ibid.*, p. 205. Mr. Adams brings in support of these positions Professor Parker and Judge Chamberlain; also, Doyle, "Puritan Colonies," II., 12.

contribution from the free-will of all, a power which should curb and guide the free-will of each for the general good."[1] Here Lowell gives us in a nutshell the essence of republican representative government, "the divine principle of Authority based on common consent."

A definition of an ordinary charter prevailing in the seventeenth century runs thus. The owner does what he will with his cattle "only by virtue of a *grant* and *charter* from both his and their maker." A royal charter, based on land and the feudal tendencies then inhering in land, conveys legal and commercial privilege; but in the hands of an active, intelligent body of freemen, it conveys much more. The French De Castine says "a charter cannot create liberty; it verifies it." No words more clearly explain the legitimate course of the chartered colonies of New England.

Judge Chamberlain, well versed in the origins of Massachusetts, says, "Thus Massachusetts, in some respects unique in the motives which led to its settlement and original in transforming its land-company charter into a frame of general government, ordered the founding and character of its towns, churches and other institutions on the basis of an independent Commonwealth."[2] Judge Chamberlain agreeing generally with Mr. Adams's views especially in relation to the charter, prefers to state his own opinion. In brief, "an early town of Massachusetts was an agricultural community, having little or nothing to do with manufactures except of the simplest kind, or with trade."

The term "inhabitant" included all male adults who were there legally, irrespective of ownership of lands.

The whole body of the people consisted, first of those who had been admitted freemen of the colony; secondly, of those who, by voluntary association or by subsequent

[1] "Among My Books," pp. 228-290; cited by Mr. Adams.
[2] 2 Mass. Hist. Soc. Proc., VII., 230.

vote express or implied, had become permanent residents; thirdly, of the miscellaneous class of servants or laborers; and lastly, all other persons, as women or children, not usually reckoned as members of the body politic.[1] All of the first three classes assembled "in general meeting of the inhabitants."[2] Again Chamberlain says, "These towns were of domestic and secular origin, owing little to English models, and least of all to English parishes."[3]

Dr. Edward Channing, admitting that "the towns were of legal origin, and our State was of legal origin,"[4] deriving their powers from the Crown, yet citing Bryce as follows, claims that "the northern township is an English parish—the town-meeting is the English vestry."[5] Dr. Channing objects to Mr. Adams's main position that "the towns were not based on any model; they grew by the exercise of English common-sense and political experience, combined with the circumstances of the place."[6]

To complete and establish Mr. Adams's argument that the towns of the Bay, of necessity and essentially, grew out of the charter and from no other source, he would have been obliged to prove that other towns, elsewhere and of like characteristics, were created in a similar way or by charter. Only of Connecticut does he assert so much, claiming that the growths, severed from the Massachusetts stock, sprouted anew in the soil of the Connecticut river valley, though there was no distinct transfer of royal power from the original charter. If the towns of Hartford, Windsor and Wethersfield were thus silently endowed with sovereign grace by their migration into the wilderness, why did they seek and obtain a charter of their own some fifteen years after their settlement? As we shall show presently, the life of the Connecticut towns was organized on a basis quite different, and by processes not commercial or of regular corporate procedure.

[1] 2 Mass. Hist. Soc. Proc., VII., p. 230. [2] *Ibid.*, p. 241. [3] *Ibid.*, p. 215.
[4] *Ibid.*, p. 251. [5] "American Commonwealth," I., 583.
[6] 2 Mass. Hist. Soc. Proc., VII., 262.

The older settlements at Plymouth had been made, expressly disregarding chartered rights. Governor Bradford said of the famous Mayflower compact, or "combination," to use his own word, that it was made to control those who on shipboard had been partly mutinous or rebellious. They declared "That when they came a shore they would use their owne libertie; for none had power to comand them, the patente they had being for Virginia[1] and not for New-england."[2] And moreover the "combination" was occasioned "partly that shuch an acte by them done (this their condition considered) might be as firme as any patent, and in some respects more sure."[3]

Let us examine into the establishment of government in the colony of Connecticut. Hooker's migration had occurred in 1636. A commission issued from the General Court of Massachusetts, March 3, 1636, to eight of the persons who "had resolved to transplant themselves and their estates unto the River of Connecticut."[4] This commission was plainly limited, in that it took "rise from the desier of the people whoe removed, whoe judged it in Conveniencie to goe away without any frame of Gouernment, not from any clame of the Massachusetts Jurisdiction ouer them by virtew of Patent."[5]

Is not this in its essence, manifestly a semi-political and not a corporate and commercial issue of power? The forthcoming Yankees were careful to take to themselves only one side of the obligation; to profit by receiving the attributes of power, without rendering any allegiance in return. But they took a political prerogative, not a commercial privilege; a function of government and not a function of trade. Just as the colony of Massachusetts,

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[1] "History of Plymouth Plantation," p. 41. Bradford had said previously, "nor they ever made use of this patente (i. e. of Virginia) which had cost them so much labour and charge, as by ye sequell will appear." [2] *Ibid.*, p. 89. [3] *Ibid.*, p. 89.

[4] Mass. Col. Rec., 170.

[5] Rec. Com. N. E., Hazard, II., 119. Cited by J. H. Trumbull, "Constitutions of Connecticut," p. 1.

based on territorial grants and trading privileges from the British Crown, made war and peace and coined money, if necessary, so it put out a sucker of practical sovereignty, which rooted in the Connecticut valley.

The planters met January 14, 1638–9, and adopted the eleven "fundamental orders," by which the colony was substantially governed until the year 1818, though it obtained legitimate authority therefor from the British Crown, as we shall see later on. These orders "provided for an annual election by ballot of the freemen for Governor and not less than six other magistrates, the latter to be chosen only from a list of persons put in nomination six months before at the preceding session of the legislature, at which the representatives from each town might nominate two, and the Court might add others, if thought fit. The legislature was to meet twice a year, in Spring and Fall, and each town could send three or four deputies, as it pleased, to be elected for each session by ballot at town meetings. The Assistants sat in this body, and four of them were necessary to give it a quorum. The Governor was the presiding officer, with a casting vote in case of a tie. New towns were to send such number of deputies as might be thereafter fixed by law in each case. 'A reasonable proportion to the number of Freemen that are in the said Townes being to be attended therein.' There was but a single chamber."[1] This is an early record of a "frame of government." The men of Connecticut claim it to be the first written constitution in history.

The germ of constitutional government, whether it was by a formal constitution or otherwise, is justly considered by the investigators of the history of Connecticut to have been in a sermon of Thomas Hooker preached before the General Court in May, 1638, viz.: "The foundation of authority is laid, firstly, in the free consent of the

[1] Baldwin "The Three Constitutions of Connecticut," p. 180. I have freely used this thorough study.

people.—The choice of public magistrates belongs unto the people, by God's own allowance.—They who have power to appoint officers and magistrates, it is in their power also, to set the bounds and limitations of the power and place unto which they call them."[1]

Though Hooker was thoroughly Puritan, believing in theocratic ascendancy, yet as indicated above, he had gone farther than his associates of Massachusetts in clearing those jungles of sovereignty, which so easily put forth the growth of tyranny. However loyal to dictates of conscience—which were as revelation to the ordinary Puritan—Hooker[2] perceived that the will of the citizen, his political action, whether as ruler, judge or constable, must be firmly set within the "bounds and limitations," of power which should be constituted in a legitimate way. This is of the essence of constitution-making.

By a series of legislative acts in 1697, 1699, 1708,[3] the colony riveted an ecclesiastical system firmly on the necks of all citizens. The corner-stone was in the act of 1708, which approved "the confession of faith, heads of agreement, and regulations in the administration of discipline agreed to by the synod at Saybrook and enacting that all churches thus united in doctrine, worship and discipline, should be 'owned and acknowledged established by law.'"[4] There was no mistaking the political bearing of this establishment, which rested on all citizens alike. When in 1708, the consciences, by an act "for the ease of such as soberly dissent from the way of worship and ministry established," were relieved, their pockets were firmly held by the state. This act extended the privileges of the "Toleration Act of William and Mary," but "with the special proviso, that this should not be construed 'to the excusing of any person from paying any such minister or town dues, as are now or shall be hereafter due from them.'"[5]

[1] Col. Conn. Hist. Soc., I., 20.
[2] See Hooker's "Survey of Church Discipline," pp. 4, 13, for a full statement.
[3] Col. Rec. Conn., IV., 198, 316; V., 87. [4] Trumbull, "Historical Notes," p. 30.
[5] *Ibid.*, p. 30. Citing Col. Rec., V., 50.

As the eighteenth century, through political development and a larger philosophy broadened the minds of men, this enforced system of religion became more and more oppressive. The Baptists and Methodists had repeatedly demanded "that 'legal religion' should be abolished, and 'the adulterous union of Church and State forever dissolved.'"[1] The Episcopalians also remonstrated. In 1816, the "American and Toleration" ticket was defeated, to triumph in the following year. The first act of the General Assembly was one "securing equal rights, powers and privileges to Christians of every denomination in this State." In the next year, another bill "more effectually secured equal rights."

Toleration and not liberty of conscience was embodied in the constitution of 1818 in Connecticut. The section treating this matter, as proposed, reads "no preference shall be given by law to any religious sect or mode of worship"; it was adopted after changing "religious" to "Christian." Meanwhile a substitute "that rights of conscience are inalienable; that all persons have a natural and indefeasable right to worship Almighty God according to their own consciences; and no person shall be compelled to attend any place of worship, or contribute to the support of any minister, contrary to his own choice";[2] offered by a clergyman was rejected.

"In the year 1818, when the new constitution was formed, this last restriction was removed; and religion was left entirely to voluntary support,—a sermon preached by Dr. Lyman Beecher, during the period when the question of the new constitution was pending, in which with all his eloquence he sets forth the plan of leaving religion to voluntary support, as 'one which would open the floodgates of ruin on the state.'"

Connecticut writers are wont to speak of this religious

[1] "Historical Notes," p. 32. [2] Trumbull, "Historical Notes," p. 54.
[3] Dutton, in "Ecclesiastical Hist. Conn.," p. 122.

condition under the constitution of 1818, as "complete religious liberty." Their conception of liberty within the bounds of Connecticut involved a naïve assumption, that this was equivalent to liberty everywhere. Their society being homogeneous and sufficient unto itself, liberty or opinion elsewhere did not enter into consideration. This quietism is finely expressed in the words of one of her ablest sons, Leonard Bacon, uttered in 1859. "Our own Connecticut—to our filial hearts the glory of all lands—how much is it indebted for the present aspect of its Christian civilization, to that organized association of its clergy, and that strict confederation of its churches, which were effected when as yet there was within our boundaries neither church nor pastor of any other ecclesiastical order! The unassociated churches, yielding to the genius of the system while rejecting its forms, have shared in the blessing. The churches that have been formed by dissent and secession from us—Episcopalian, Baptist and Methodist—have had in all their growth, the benefit of being planted in our Puritan soil, and of being stimulated and invigorated by the strong religious influence that had not yet ceased to mould the character of our native population. Is there no meaning in the fact that not one of our churches, and only one of our parishes fell in the Unitarian defection?"[1] Those curious dreamers calling themselves Catholic Anglicans will take notice. None knowing the excellent Doctor Bacon can doubt his wisdom in interpreting the signs of the time as revealed in his day. A generation of progress in the American world has left him stranded on the theological issue, as a similar current had beached Lyman Beecher on the political issue.

I have not treated directly the colony of New Haven, for it was incorporated in 1665 into the larger current of Connecticut life. These settlers inclined to be theocratic,

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[1] Bacon "Hist. Dis. Ec'l Hist. Conn.," p. 70.

and their principles tended to stiffen the ecclesiastical tendencies of the descendants of Hooker.

We may now turn to the origins of the third and smallest member of the commonwealths of New England. Volumes of casuistry and special pleading have been wasted in trying to prove that the banishment of Roger Williams from Massachusetts Bay was necessary and inevitable. The fact remains that the Bay drove out the man, who, with his followers, alone perceived the true relations of church and state. Those relations were at last comprehended and introduced into the fundamental law of Massachusetts itself.

Williams with four or five companions came into Providence in 1636. The only title or prescribed right possessed by these immigrants and planters, was by purchase or gift of the lands from the Indian chieftains according to their customs. In the next year thirteen persons, probably "masters of families," made the following memorable agreement. "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 in a town fellowship, and such others whom they shall admit unto them, only in civil things."[1]

Thomas Durfee, no enthusiast, but a clear intellect, a competent and calm jurist, says of this momentous declaration, that it secured soul-liberty not by grant, but by limitation. He says the statement was the "constitutional declaration of the right in its widest meaning, covering not only freedom of faith and worship, but also freedom of thought and speech in every legitimate form. The right has never been expressed with more completeness."[2] Remember it was not after the white light of the eigh-

[1] Arnold, "Hist. R. I.," I., 103. [2] Durfee, Historical Discourse, 1881.

teenth century had illuminated the whole world, but in the darkness of the early seventeenth, that this practical utterance was put forth. Instead of putting king or priest above the soul, and thereafter allowing certain privileges to the spirit, Williams put the divine element in the human creature first, and formulated all civil government after this pre-eminent principle.

The movement based on this document cleared the body politic from religious domination. It demonstrated for the first time that external political control was not essential to maintain internal religious belief in the members of the body politic. It did not constitute, though it led to a civil government. In that aspect, it interests chiefly, as showing the minimum political development from which any sort of body politic can be started into being. It was a pure democracy, a meeting of a town, but not yet a town-meeting as the term has established itself in history. Even "civil things" had to be defined in practical government, and if we had all the ins and outs of condemnation of Joshua Verin in 1637, it would be very instructive. What is known, shows that the inevitable "woman-question" cropped out in the seventeenth century. Verin's wife wanted to go to meeting often; husband would not allow it. One Arnold argued for Verin that when he consented to the order for liberty of conscience, he never intended it should extend to the breach of any ordinance of God, such as the subjection of wives to their husbands. The town agreed that "Verin upon the breach of a covenant for restraining of the libertie of conscience, shall be withheld from the libertie of voting till he shall declare the contrarie."[1]

The first upward step, the first delegation of power, came in 1640. The citizens "being freely willing and also (having) bound themselves to stand to one arbitration

[1] Arnold, R. I., p. 105.

in all differences amongst us"[1] appointed four persons to be increased to "five disposers," to serve in terms of three months. It was "agreed that after many considerations and consultations of our own state and also of states abroad in way of government we apprehend no way so suitable to our condition, as government by way of arbitration, no state we know of disallows of that, neither do we. But if men refuse," *etc.*, then follow measures to compel. Here is germ of sanction by law, and a court sustained by executive power. "We agree, as formerly hath been the liberties of the town, so still to hold forth, liberty of conscience." There were careful provisions for disposition of lands and records, for fees and for rendition of accounts by the disposers in a meeting of the town each quarter. Suit was allowed before the "disposers," "if any person abuse another in person or goods."—"All the whole inhabitants combine ourselves to assist any man in the pursuit of any party delinquent." Thirty-nine persons subscribed to this agreement.

The expulsion carried out some of the best citizens of Boston, as considered from a cosmopolitan point of view. They bought the island, by the help of Williams and Sir Henry Vane, and made the settlement of Portsmouth in 1638, and of Aquidneck or Newport in 1639.

Though these immigrants were more radical than Williams in their theology, they had not risen to his conception of religious liberty. They started to found a theocratic state. Nineteen of the planters signed the following, viz.: "we whose names are underwritten do here solemnly, in the presence of Jehovah, incorporate ourselves into a Bodie Politick, and as he shall help, will submit our persons, lives and estates unto our Lord of Lords, and to all those perfect and most absolute laws of his, given in his holy word of truth, to be guided and

[1] Staples, An. Prov., p. 40 *et seq.*

judged thereby.—Exod. xxiv. 3–4; 2 Chron. xi. 3; 2 Kings xi. 17."[1] None were to be admitted as freemen, except by consent of the body.

While these principles were administered liberally according to Puritan ideas, the system "sympathized more with the law than with the liberty element in the embryo state."[2] The governmemt was organized in a more orderly manner than it was at Providence, and the progress of the community was more rapid. They soon discarded the theocratic element, and in the second year of the settlement at Newport, the two towns united in a common government, vesting authority in a governor, a deputy-governor and four assistants.

Juridical progress was remarkable, as in less than three years they advanced from the rude forum of the town-meeting "to a well organized judiciary, excellently suited to their wants and fully equipped for the dispensation of justice according to the methods and principles of the common law."[3] The code was completed in 1647 and the General Court of Trials[4] was established for the whole colony. This at first had jurisdiction of the higher class of crimes: of cases between town and town; of cases between parties living in different towns; of cases against parties belonging to neighboring colonies. This tribunal was the predecessor of the present Supreme Court. The author of this system is not positively known, but circumstances point to William Coddington. It extended to all the towns of the future state, and it is doubtful if Roger Williams's system of soul-liberty could have been sustained had it not fallen upon and adjusted itself to this frame work of civic experience.

The plantation at Pawtuxet or Warwick attempted to submit itself to Massachusetts Bay in 1642. It did not become a constituent part of Rhode Island until 1658.[5]

[1] Arnold, R. I., I., p. 124. [2] *Ibid.*, p. 126. Cited from Judge Job Durfee.
[3] Thos. Durfee, "Judicial Hist.," p. 1, R. I. Tracts, No. 18. [4] *Ibid.*, p. 7.
[5] Arnold, R. I., I., 267.

All these outlaws from Massachusetts Bay had boldly planted themselves in the wilderness, but they craved the protection of the home government. John Clarke went from Newport, to petition for a charter in England, and Williams succeeded to his work there. He obtained a Parliamentary charter in 1644. He brought the precious document through Boston, by virtue of an official letter. The men of the Bay wanted no further intercourse, lest by "free liberty of ingress and egress, any of their people should be drawn away with his erroneous opinions." The union of the towns under the charter was accomplished in 1647.

In the fortuitous circumstances of these times, the charter[1] gave freedom to the little colony, which was almost absolute. Government was to accord with the laws of England; yet this limitation was nullified virtually, by the explanatory clause, "so far as the nature and constitution of that place will admit."[2] These conditions show that Clarke and Williams were in advance of the ordinary colonial legislators, or they could not have won so completely the confidence of the Parliamentary statesmen. Practical separation between Church and State was achieved in the patent for the first time in human history. For wherever the terms "government" or "law" occur, they are limited by the word "civil." For the first time, it is recognized in practical law and administration, that the individual citizen is directly related to his creator. The external world is regulated by the civil state, the world within is relegated to God alone.

The process of early legislation is interesting. All laws were to be first discussed in the towns.[3] If the towns concurred in a proposed statute, it went to the "general

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[1] "It is much in their hearts (if they may be permitted), to hold forth a livelie experiment, that a most flourishing civill state may stand and best bee maintained, and that among our English subjects, with a full libertie in religious concernements." Charter of R. I., 1663. [2] R. I. Col. Rec., I., 158. [3] Arnold, R. I., I., 203.

Court," which decided whether or not it should become law. We must keep in mind, that however the pure democracy of Rhode Island failed in trying to project a government out of itself, just as the theocratic tendencies of Massachusetts Bay could not regulate civil government out of the metaphysical conceits of an ecclesiastical council, yet the original impulse of the Rhode Island man was never lost, but it affected every institution, proceeding from his subsequent activities.[1] In the beginning, there was no common burying-ground, nor school-house, nor town-house; and these peculiar features delayed the progress of the community, while they were shaping it.

According to Judge Durfee, "the General Assembly seems to have considered itself originally, a court as well as a legislature,"[2] but judicial action was generally tempered by an admixture of legislation. The judicial powers were not conferred on the legislature by charter; they grew out of the necessities of the colony. In 1699, the Earl of Bellomont criticised severely the processes of the courts. His facts were doubtless correct, but his conclusions were exaggerated by the influence of hostile, royal officers, and the necessary contrast with the orderly and accomplished judiciary of England. The judges in Rhode Island "give no directions to the jury, nor sum up the evidence to them, pointing unto the issue which they are to try."[3] The custom of charging the jury was introduced by Judge Story early in the nineteenth century.

The Parliamentary patent gave place to the royal charter in 1663. Credit is given to John Clarke[4] for obtaining the extraordinary privileges from the Crown and Court, which are granted under this instrument. It substantially confirmed the first charter and gave greater powers to the people, creating absolute sovereignty in the colony. In

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[1] Foster, Town Gov't in R. I., J. Hopkins Studies, 4 Series, pp. 83, 89.
[2] Durfee, "Judicial History," pp. 34, 58. [3] *Ibid.*, p. 77.
[4] Arnold, R. I., I., 290, *et seq.*

these points, it differs from all royal charters. 1. It recognizes Indian ownership of the soil. 2. It accords with the procedure of the Frenchman De Castine, confirming and not creating absolute liberty of conscience. "Noe person shall bee in any wise molested, or called in question for any difference of opinion in matters of religion which doe not actually disturb the civill peace of our said colonye." This was while the laws of England rigidly required uniformity in religious belief. 3. Issued by a monarch, the charter was purely republican. The colony could make laws agreeable to those of "our Realme of England," but these were to be also in accord with "the nature and constitution of the place and people there." There was no oath of allegiance, and the military arm of the state was controlled by the people. The colony exercised the right of declaring martial law against the remonstrances of the royal governors of New England. Here were embodied about all the sanctions of sovereignty which a monarchical government could confer on a representative government by the people—that is, a republic. It is not strange that this document—surpassing as it did the high political aspirations of the eighteenth century—should endear itself to the people, and should last through all political development until 1843.

Under the royal charter, the judiciary was changed somewhat. The government was vested in a Governor, a Deputy-Governor, ten Assistants and a body of Deputies. The duties of the Deputies were legislative; those of the Governor, Deputy and Assistants, were magisterial also.[1] In 1722, the custom of electing ten assistants by general ticket ceased.[2] Thereafter, one assistant was chosen from each town. The body became the modern Senate or upper house, representing the towns. The house of Deputies became Representatives, based on a

[1] Durfee, "Judicial History," p. 10. [2] Arnold, R. I., I., 295.

shifting proportion of population. This contrasts with Connecticut where the upper house is the popular branch.

Under both charters, the General Assembly rested on the freemen, who were admitted such generally on the application of the several towns. "Not every resident was a legal inhabitant. Some time elapsed after one's arrival in the colony before he could be received as an inhabitant, participating thereby in certain rights to the common lands, doing jury, and being eligible to some of the lesser town offices. If his conduct while thus situated gave satisfaction he might be propounded at town meeting to become a freeman, and if no valid objection was brought against him, at the next meeting he was admitted to all the rights of the freemen, or close corporators of the colony." [1]

In 1666, we find the working of the custom. "It was the practice to admit as freemen those whose names were sent in for that purpose by the clerks of the respective towns, as well as those who personally appeared before the Assembly, being duly qualified. A large number were thus admitted from all the towns at the opening of this session." [2]

Writers from both Connecticut and Rhode Island have considered that the practice of the two colonies differed somewhat at this point.[3] The Connecticut charter contemplated a body of freemen, which should elect officers and form an administration; while the smaller colony went through the towns to reach the same ultimate constituency. In Connecticut "only the general court had the power to admit freemen,—residence within the jurisdiction and previous admission as an inhabitant of one of the towns being the only qualifications required by the constitution and charter." [4]

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[1] Arnold, R. I., I., 256. [2] *Ibid.*, p. 237.

[3] Baldwin, "Three Constitutions," p. 188; Foster, Town Gov't, R. I., J. Hopkins Studies, 4 Series, p. 35. [4] J. H. Trumbull, "Hist. Notes," p. 8.

A blot rests on the scutcheon of Rhode Island, which is rather technical than actual. It was charged by Chalmers and others, that Roman Catholics were denied all political rights as early as 1663. This charge has no foundation.[1] An act was passed in 1719, "that all men professing Christianity and of competent estates and of civil conversation though of different judgments in Religious Affairs (Roman Catholics only excepted) shall be admitted Freemen and shall have liberty to choose and be chosen Officers in the Colony both military and civil."[2] No Catholic was ever oppressed under the act,[3] and it was repealed in 1783.[4] It was a political restraint and no such stricture was laid upon the Jews. Yet, "both Roman Catholics and Jews were not only allowed in Rhode Island, as they were nowhere else in New England, the quiet enjoyment of their religious faith and forms of worship, but were on several occasions, upon petition to the Assembly, naturalized as citizens of the colony."[5]

We cannot claim that these descendants of Roger Williams and Clarke equalled them in breadth of religious view or in political sagacity, for where were the men in the early eighteenth century, to be compared with them? Such as they were, it is manifest that they worked upon a small issue of politics, rather than upon the principles underlying their colonial state. Immense prejudice against Catholics prevailed in England under William and Mary. Remembering Andros, Rhode Island dreaded losing its charter. A small phrase against Catholics seemed easy and harmless to the politicians of the day.

Massachusetts had limited her franchise in 1634, by a religious test "two-thirds of the freemen admitted (since the test) and a majority of the residue were all members of Churches."[6] What the men of the Bay regarded as a

[1] Rider, Inquiry, p. 15; R. I. Hist. Tracts, 2d Series, I.
[2] Rider, p. 25; Arnold, R. I., II., 491. [3] Rider, pp. 37, 51.
[4] Arnold, R. I., II., 490. [5] *Ibid.*, p. 494. [6] Palfrey, I., 384.

state and a political government, we should consider an ecclesiastical or a semi-theocratic administration. An English Puritan, D'Ewes, writing in 1638, expresses the admiration, this sort of heaven on earth excited in the old world. "Their numbers there did now amount to some 50,000, and most of them truly pious; and every parish supplied with such able, painful, preaching ministers, as no place under heaven enjoys the like."

Massachusetts was a semi-commercial and semi-ecclesiastical corporation, seeking political freedom and independence of the royal control. It was typical of her difficulties, when in 1638, Winthrop says a very strict order was sent from the lords commissioners that the charter be sent home. It was resolved "best not to send it, because then such of our friends and others in England would conceive it to be surrendered, and that thereupon we should be bound to receive such a governour and such orders as should be sent to us, and many bad minds, yea, and some weak ones among ourselves, would think it lawful if not necessary, to accept a general governour."[1]

The Bay wrestled through the seventeenth century in a series of struggles to avoid the impending ascendency of the royal government, which ended in the loss of the charter. Meanwhile, though Connecticut and Rhode Island were affected by the movements of Andros and others, their chartered rights were so much broader in a political sense, that they worked out democratic polity, through an evolution almost unfettered.

The early political aspirations of Massachusetts can be hardly separated from the strong theocratic tendency which moved her in applying a religious test to practical government. There are not only the prominent proceedings like the banishment of Williams and the Antinomians, the expulsion of the Baptists and Quakers, but other

[1] Winthrop, I., 269.

incidents, which show a constant administration of affairs on the narrow lines held by the Independent, Congregational Churches. In 1629, Endicott sent out John and Samuel Browne,[1] because they would not conform with the Prayer Book, instead of without it. "New England was no place for such as they."

The case of William Vassall in 1646, brings out all the exciting elements at work in the development of civil government in this interesting colony. According to Winthrop,[2] he was "sometimes one of the assistants of Massachusetts, but now of Scituate in Plymouth jurisdiction, a man of a busy and factious spirit, and always opposite to the civil governments of this country and the way of our churches." Associated with the non-members of churches he petitioned to Parliament "that the distinctions which were maintained here, both in civil and church estate, might be taken away, and that we might be wholly governed by the laws of England."

This petition brought forward the whole relation of the Colony to England, and was referred to the next session of the General Court. The magistrates gave their opinion first. "All agreed that our charter was the foundation of our government, and thereupon some thought that we were so subordinate to the Parliament as they might countermand our orders and judgments, etc., and therefore advised that we should petition the parliament for enlargement of power, etc. Others conceived otherwise, and that though we owed allegiance and subjection to them—yet by our charter we had absolute power of government."[3] The elders substantially confirmed these opinions of the civil department, but they stated some limitations which are interesting. "Concerning our way of answering complaints against us in England, we conceive, that it doth not well suit with us, nor are we directly called thereto,

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[1] Palfrey, I., 298. [2] New England, II., 261. [3] *Ibid.*, p. 279.

to profess and plead our right and power, further than in a way of justification of our proceedings questioned, from the words of the patent. In which agitations and the issues thereof our agents shall discern the mind of the parliament towards us, which if it be propense and favorable, there may be a fit season to procure such countenance of our proceedings, and confirmation of our just powers, as may prevent such unjust complaints and interruptions, as now disturb our administrations. But if the parliament should be less inclinable to us, we must wait upon providence for the preservation of our liberties."[1] The ecclesiastics were the better politicians and vindicated their power as leaders in the peculiar government of the colony. The naïve assumption of "just" to themselves and "unjust" to their opponents was fairly balanced by their serene faith that "providence" would electioneer ultimately in their favor.

The modern writers of history in Massachusetts have escaped from the strange delusions affecting the earlier interpreters of her record. From John Cotton and Hubbard, through Cotton Mather to Quincy and Palfrey, one story sounds in their ears. In their distorted vision, an inevitable, providential necessity[2] forced the administration of their state from one form of bigotry to another, until the widening political and social activities of the community compelled her into a complete separation of church and state. Charles Francis Adams has brought forward the original facts, and has divested the interpretation of the distorted colorings imposed by the seventeenth and eighteenth centuries. "A modified form of toleration was in 1780 grudgingly admitted into the first constitution of the State; in was not until 1833 that com-

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[1] New England, II., p. 282.

[2] *Note.* "Heresy was an unclean thing; the presence of a misbeliever was a danger." Doyle, "Puritan Colonies," II., 90.

plete liberty of conscience was made part of the fundamental law."[1]

A competent and disinterested student[2] of our history has declared that the political development of Massachusetts—her large governmental impulses growing out of communal life in the towns—alone saved her from the theocratic tyranny the Mathers and their kind would have inflicted on their fellow citizens. We have shown that Hooker separated church and state in Connecticut by practical methods, which lasted nearly two centuries. It was the lack of this orderly political development that kept Massachusetts vibrating in political unrest.

The facts have been set forth by generation after generation until there is no excuse for wilful ignorance. The intensive theocratic system, culminating in Massachusetts after the death of Winthrop, bred direct persecution, positive anti-toleration, under an enforced relation of church and state until 1833. John Cotton was one of the least severe persecutors among the early settlers. Yet his introverted pleading[3] reveals curiously the working of a mind in the seventeenth century, which could conceive of no conscientious conviction outside the conscience of the reasoner.

Turning now to Toleration—the negative perch of bigots—we start with Nathaniel Ward, the best statesman of the Massachusetts theocracy. The *Simple Cobler of Agawam* in 1647 said, "My heart hath naturally detested

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[1] "Mass. Historians and History," p. 33. I have used freely Mr. Adams's authorities. [2] Doyle, "Puritan Colonies," I., 187, 188.

[3] "But to excommunicate an Heritick, is not to persecute; that is, it is not to punish an innocent, but a culpable and damnable person, and that not for conscience, but for persisting in error against light of conscience, whereof it hath been convinced." Cotton, answer to Williams. Narragansett Club Pub. III., 48, 49; also II., 27.

And the Quaker Bishop, in "New England Judged," said, "Those who had Loudly Cried out of the Tyranny and Oppression of the Bishops in Old England, and from whom they fled; but when they settled in a place where they had liberty to Govern, made their little finger of Cruelty bigger than ever they found the Loyns of the Bishops."

—Toleration of divers Religions, or of one Religiôn in segregant shapes." We have been surfeited with statement going to show that these persecutors were more enlightened and more liberal than all others of their time. Yet Roger Williams proved the contrary in 1644, when he said, "let conscience and experience speak how in the not cutting off their many religions, it hath pleased God not only not to be provoked, but to prosper the state of the United Provinces our next neighbors, and that to admiration."[1]

The next generation went bravely on in theocratic development. There have been myriad forms of tyranny, but none worse than the inspired conscience exercised, when it dominated other consciences.

Increase Mather, in his preface,[2] 1681, to Samuel Willard's *Brief Animadversions* stated the matured convictions of Massachusetts. The seed sown in the first settlements around the Bay had borne fruit. The expulsion of Roger Williams, the political defeat of Vane in 1637, the banishment of Anne Hutchinson, the execution of Mary Dyer, the persecution of the Baptists; all this was narrow and narrowing, but it was thorough.

The Puritans of New England fondly fancied that they were creating commonwealths, through the support and interaction of the churches, which should absorb the old political functions of the state, and turn the world at large into a kingdom of heaven. The actual movement developing the modern state was in the opposite direction, precisely as Mr. Doyle, viewing us from Europe, has clearly comprehended. The "worldly people," the men

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[1] "The Bloody Tenent" (1644), p. 160.

[2] "If men will call unjustifiable Practices by the name of their opinion, and, when their evils are borne witness against, make outcries that they suffer for their opinion and for their conscience: How is it possible for those to help them, who desire to keep their own consciences pure, and without offence towards God, by being faithful according to that capacity the Lord hath set them in; and giving a due testimony against those things, which they believe provoke him to jealousie."

in the street worked out a political freedom culminating in the American Revolution, which finally penetrated the congregations of the churches and converted them to practical Christianity. No episode in history indicates more clearly the large currents of evolution, which turn the swirling eddies of theocratic culture to wider political development. As the eighteenth century came in, America discovered, by the second quarter of the nineteenth century she developed in practical politics, that a free, democratic expression at the polls was better politics and even better religion, than imperial decree, synod-mandate, or papal bull.

It is often asserted in apology for the early rulers of the Bay, that their course was inevitable—under the tacit inference that theocratic absolutism was the only possible working government. But the Netherlands had a comparatively liberal administration, and Connecticut, under Hooker, was adapting theocracy to democratic representation without persecution.

We need not change the colors of the rainbow to justify Cotton and Wilson. We can at least go as far as Winthrop in his confession that there was "too much" theocracy.

Roger Williams, before Kepler's immortal laws had much affected science, a century and a half before Ben Franklin exploited electricity or Priestley revealed oxygen, had voiced the separation of church and state. The clear, limpid idea, that "only in civil things" should the power of man embodied in the state touch or control the soul of man—which is the province of God—became accomplished fact in the little commonwealth of Rhode Island. In about two centuries the extending idea embraced the United States of America. Its course must continue so long as time itself responds to human aspiration.

There are two constant marvels in this bit of history. 1. That the idea, once formulated, worked itself so slowly

into the consciousness of other communities, even in the adjoining districts of Massachusetts and Connecticut. This requires no comment.

2. That a civic principle deemed so revolutionary in the seventeenth century should have made such little practical difference in the political and social development of Rhode Island, when it emerged and was adopted into the life of the state. Rhode Island has been noted for oddities and individualities. Yet these have affected very little the steady development of the community along the lines inevitable to the progress of America. It is true that the infant colony suffered from the vagaries of the wild theorists; Samuel Gorton and those like him, who drifted into these open harbors. But there came with them much free thought which grew and prospered. Order, in some way, was established over and through these chaotic elements.

The colony at first lacked the regular systems of education maintained in New England by the Congregational theocracy, and in the Atlantic states largely by the great Presbyterian churches. Toward the close of the century, Cotton Mather could say that "if a man had lost his religion, he might find it in Rhode Island at the general muster of opinionists." Notwithstanding these drawbacks, Newport advanced in the middle eighteenth century and established social culture equal to any prevailing in the colonies. Thanks to the seed scattered by Berkeley in receptive soil, that community surpassed the descendants of the Mathers in the better elements of living. Later, William Ellery Channing carried a torch into Massachusetts which lighted up the dark theology of Cotton, Wilson and the Mathers, and the consequent radiation moved their descendants in Massachusetts, as no modern influence has ever affected it.

Josiah Quincy said in 1830, "had our early ancestors adopted the course we at this day are apt to deem so easy and obvious, and placed their government on the

basis of liberty for all sorts of consciences, it would have been, in that age, a certain introduction of anarchy."[1] He should have proved his statement by something more than assertion or collateral inference. Government by and through persecution is a serious matter of consideration at any time; it ought to have been infamous in the nineteenth century.

In Rhode Island, absolutely founded on this "basis of liberty," there was nothing like anarchy at any period of its history.

Williams[2] was explicit as his master Coke or any modern jurist, when he set forth the plain duty of a citizen. Liberty of conscience, "equality in Christ"—in his words—did not free the recipient from his constant political obligation to the state.

Massachusetts clung to her mediæval theocracy while her town meetings slowly worked out individual freedom. Connecticut, farther advanced under Hooker, developed a practical course of administration according with her settled union of church and state. But Connecticut dragged through the eighteenth century—as has appeared—before she could arrive at toleration.

When the New England merged into the New America, Stephen Hopkins, Nathanael Greene and the rest mustered beside Roger Sherman of Connecticut and the Adamses of Massachusetts.

In all the military development of our country—that sublime test, which welds the right arm of individual men into the true consolidation of the state—Rhode Island has

[1] "Memorial Hist. Boston," I., 127.

[2] "Both Papists and Protestants, Jews and Turks may be embarked in one ship. If any of the seamen refuse to perform their service, or passengers to pay their freight; if any refuse to help, in person or purse, towards the common charges or defence; if any refuse to obey the common laws and orders of the ship, concerning their common peace or preservation; if any shall mutiny and rise up against their commanders and officers, because all are equal in Christ, therefore no masters nor officers, no laws nor orders, no corrections nor punishments, I say, I never denied, but in such cases, whatever is pretended, the commander or commanders may judge, resist, compel, and punish such transgressors, according to their deserts and merits."—Roger Williams to the Town, 1655. Arnold, R. I., I., 255.

shown that individual liberty works toward the highest patriotism. In the old French and Spanish wars, in the struggles with Great Britain, in our tremendous civil war, Rhode Island, notwithstanding her strong Quaker heredity, was ever at the front.

Massachusetts has led in education and in a political development, which finally shattered her narrow religious ideals. Connecticut built up the home with unrivalled thrift, and stimulated the inventive powers of the individual, until her mechanical triumphs were scattered over the world. Meanwhile, least in extent, greatest in spirit, Rhode Island kept her precious freedom for the soul. Property was secured; life, liberty and the pursuit of happiness moved forward as steadily as in any part of the world. In commerce and manufacture, the little colony and state has kept even pace with the country at large. In relative population and wealth, in all kinds of industrial organization[1] it has equalled at least any portion of the United States. Where is Mr. Quincy's anarchy?

A German scholar, who spoke for the whole world, said of the early development of Rhode Island, "These institutions have not only maintained themselves here [in R. I.] but have spread over the whole union."[2] The spirit of the individual man must be responsible only to the Creator of that spirit, except in "civil things"; in these things material interests reside, and here only political organization finds its proper activities. The War-Lord of Germany, the Czar of all the Russias may not entertain such a simple, civilizing principle, but Catholic and Protestant Christians, Jews and Mohammedans have enjoyed ample freedom under it. Established in Rhode Island, it grew to marvellous proportions, not by breeding anarchy, but by encouraging that larger idea, the true American liberty, which spread at last from ocean to ocean.

[1] By the census of manufacturing in 1900, R. I. had the largest proportion of wage earners relative to the population; Connecticut, Massachusetts, New Hampshire followed in the order named. [2] Gervinus, 'History of Nineteenth Century," p. 65.