

**THREE COMMONWEALTHS,
MASSACHUSETTS,
CONNECTICUT AND RHODE
ISLAND: THEIR EARLY
DEVELOPMENT**

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Three commonwealths, Massachusetts, Connecticut and Rhode Island: their early development
by William B. Weeden

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WILLIAM B. WEEDEN

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EARLY DEVELOPMENT.

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THREE COMMONWEALTHS, MASSACHUSETTS,
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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, 606.

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 Stinson, "Ethics of Democracy." *Serföner*, 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.

Borgeaud¹ 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."* 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

¹ "Constitutions, European and American," p. 7. ¹ 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

¹ Borgeaud, p. 181. ² *Ibid.*, p. 188. ³ *Ibid.*, pp. 127, 128.

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 persons² 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 them¹ "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.