

will be made to the reception and installation of this charter, and some attention will be given to its separate provisions.

Rhode Island had finally completed the first period of her colony existence, and could now look forward to the future with more confidence and hope. She had weathered the storms and hardships incident to the beginnings of all settlements, and though threatened with anarchy from within and oppression from without, she had held fast to the free and lofty principles that distinguished her from her neighbors. In spite of the warnings and forebodings of her incredulous Puritan opponents, in spite of their scorn and reviling, she persevered to the end, and clearly showed to them and to the world that a state *could* stand, even although it permitted a man to worship God as he saw fit.

CHAPTER VIII.

FROM THE CHARTER OF 1663 TO KING PHILIP'S WAR.

The Rhode Island Charter of 1663, which doubtless contained more liberal provisions than did any similar instrument ever granted by a monarch, which was expansive enough to remain as Rhode Island's only basis of government for one hundred and eighty years, and which at the time of its death was the oldest constitutional charter in existence, is surely worthy of careful study. In the first place the Connecticut and Rhode Island Charters mark a great departure in the line of constitutional powers of government granted to those incorporated. Previous royal charters, outside of those of the proprietary type, intended merely the exercise of rights of trade and commerce. It was purely a commercial venture, entered into by the individual as proprietor or by the colony as a corporation. England had Spain's example of assisting such commercial projects and hoped to reap the same rich reward. It is doubtful if the Massachusetts Charter of 1629, which is the best type of the earlier colonial charters, intended the least exercise of governmental powers.¹ By 1663, however, the

¹W. E. Foster, in a paper on the R. I. Charter of 1663, read before the R. I. Historical Society Nov. 13, 1888, thus summed up the opinions of those writers who had expressed themselves in regard to this much discussed subject; "First, those who take the ground that the Massachusetts Charter was essentially that of a trading corporation, including Gov. Hutchinson, George Chal-

commercial attitude of the colonies had considerably worn away. Immigration had set in, and persons sought out the New World for purposes far other than those of trade. The Massachusetts colonists, whatever may have been the intentions and desires of the home government, had construed their original grant as providing all powers of local self-government, and were rapidly adjusting it to suit their material welfare. Towns were incorporated, courts organized, taxes levied, laws enacted restricting civil and personal rights—and all without reference to the fountainhead of their authority, the English throne. Rapidly, indeed, had the powers of colony government developed in Puritan New England. So far were they advanced that we find the Connecticut grantees, according to their charter of 1662, authorized by the King to make virtually whatever laws they liked that were not “contrary to the laws and statutes of the realm of England”. In the following year came the charter of Rhode Island. Here we find a still further advance. In a similar manner Rhode Island law-makers could enact what laws they desired, “so as they be not contrary or repugnant unto the laws of this our realm of England”, and then comes the conditional and practically annulling clause “considering the nature and constitution of the place and people there”.

Under such a provision Rhode Island might as well have been an absolutely independent state. We should certainly be justified in asserting that English political thought had changed most strangely were it not for the fact that these liberal provisions were but in reiteration of the patent of 1644. The chief reason why the later instrument is remarkable and worthy of especial attention is that it was granted under the hand of royal authority. The parliamentary patent, to be sure, marked a forward step in political freedom, but it should be remembered that it was granted by a revolutionary government, at a time when allegiance to supreme authority was somewhat weakened and when the bestowal of favors was a necessary adjunct to the introduction of a new regime. The charter of 1663, however, had no such contributory aids to its establishment. That, with such an austere monarch as Charles II on the throne, it did pass the seals of the Royal Council, is as noteworthy as it was unexampled.

mers, James Grahame, Charles Deane, and Brooks Adams. Second, those who hold that the charter warranted the exercise of governmental powers under it, including Dr. Palfrey, Judge Parker, and Judge Aldrich. Third, those who hold a somewhat intermediate view, including Judge Chamberlain, J. A. Doyle and Geo. Ellis.” Mr. Foster himself rather favors Dr. Deane's view.

Even more notable than this grant of political power was the specific and absolute bestowal of perfect religious liberty. Although England refused religious toleration to her subjects, yet we find in this royal charter the following remarkable clause: "Our royal will and pleasure is, that no person within the said colony, at any time hereafter, shall be anywise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, and do not actually disturb the civil peace of our said colony . . . any law, statute or clause therein contained, or to be contained, usage or custom of this realm, to the contrary hereof, in any wise, notwithstanding".¹ Rhode Island had gained what the mother country could not. That this grant excited some dismay among the more fearful of the English courtiers is true. Roger Williams, evidently referring to this provision, says: "This his Majesty's grant was startled at by his Majesty's high officers of state, who were to view it in course before the sealing, but, fearing the lion's roaring, they crouched, against their wills, in obedience to his Majesty's pleasure".² That which Charles was unwilling to bestow upon the great English nation, he did grant to the little insignificant colony beyond the seas. Thus unconsciously was he laying the foundation of what is now considered a fundamental principle in religion.

All the provisions of this charter were as free and as favorable to the grantees as the clauses relating to religion and to the limitation of political power. The government was to be vested in a governor, deputy-governor, ten assistants, and several deputies, who, meeting the first Wednesday in May and the last Wednesday in October, were to be styled the general assembly. The deputies were not to exceed six from Newport, four each from Providence, Portsmouth and Warwick, and two for each other town. This body was empowered to appoint new

¹The identity of language of this clause with that of the famous "Declaration from Breda", is worthy of notice. General George Monk, in one of his communications to the King, dated in March, 1660, beseeched "his Majesty to declare his assent for a toleration and liberty of conscience to all his subjects, who should so employ it as not to give any disturbance to the civil government". A month later, from the little Dutch town of Breda, came the response, attested to by the royal signature, "We declare . . . that no man shall be disquieted or called in question for differences of opinion in matters of religion which do not disturb the peace of the kingdom". (Skinner's *Life of Monk*, p. 301, Richard's *Hist. of England*, ii, 897.) These significant words, which the King was scarcely ready to turn into deeds, were widely known to the English people at the time of their utterance. Clarke, eager to accept every opportunity to further his purpose, must have seized upon this clause and incorporated it, almost word for word, in the contemplated charter of his colony.

²Letter to Mason in *Narr. Club. Publ.* vi, 346.

meetings of the assembly, elect freemen, grant commissions, erect courts of judicature,¹ prescribe town boundaries, impose fines and punishments, declare martial law against any who attempted to invade or annoy the colony, and make whatever laws seemed necessary for the welfare of the inhabitants. The chief officers of the colony were to be annually elected by the general body of freemen attending the May session of the general assembly. Finally all present and future inhabitants were to enjoy the liberties and immunities of free and natural subjects of the realm of England, together with right of appeal to English courts, and provided they conducted themselves peaceably, could pass through the other colonies, any law of the said colonies to the contrary notwithstanding.

So far as boundaries were concerned, Rhode Island reaped the fruitful harvest of John Clarke's able negotiation. Thoroughly conversant with the numerous conflicting claims to the territory of his colony, he readily recognized that the clearest title lay in the fact that it was purchased from the Indians. This paramount right of the natives to their soil was set forth by him in his previous addresses to the King, and was safely embodied in the preamble to the charter. According to its specific terms, the grant was bounded on the south by the ocean as far west as the Pawcatuck River; on the west by the Pawcatuck River extending north as far as its head, and then by a straight line due north to the Massachusetts south line; on the north by the said south line; towards the east it extended three miles "to the east and northeast of the most eastern and northeastern parts of Narragansett Bay, as the said bay extendeth from the ocean on the south, unto the mouth of the river which runneth to the town of Providence", thence up the Seekonk River as far as the Pawtucket Falls, and thence by a straight line due north to the Massachusetts south line. In particular, the grant included Misquamicuk (alias Pawcatuck), the Island of Rhode Island, Block Island, and all the rest of the islands in Narragansett Bay and bordering on the coast (Fisher's Island alone excepted). One provision especially nullified any contradictory clause in the "late Connecticut grant", stating that the Pawcatuck River had been yielded by the agents of both colonies to be

¹At the meeting of the Assembly in March, 1664, it was ordered that two General Courts of trials, presided over by either the governor, deputy-governor, and at least six assistants, should be held in May and October at Newport. Courts for cases to the value of ten pounds were to be held at Providence and Warwick in September and March respectively, at which at least three assistants should preside. Special courts might also be called at Newport at any time if sufficient cause was shown.

the fixed bound between the colonies. Both agents had agreed, the charter goes on to state, that the Pawcatuck River should also be called the Narragansett River, and merely to prevent further disputes, should be so deemed in the Connecticut charter. The detail of these boundary lines has been entered into somewhat minutely, since the phraseology of the instrument in this respect formed the basis of a great deal of Rhode Island's history for the next half-century. Suffice it to say that had the colonies with whom Rhode Island disputed held to the exact language of this instrument so carefully and skillfully worded by John Clarke, boundary controversies would not have played so important a part as they did in the colony's history. No charter ever granted, with regard to boundaries as well as to the liberties and immunities accorded to the grantees, has reflected more credit on its author.¹

The elaborate reception of the charter reminds one of the triumphal return of Williams with the Patent of 1644. Thus reads the old record: "At a very great meeting and assembly of the freemen of the Colony of Providence Plantations, at Newport, in Rhode Island, in New England, November the 24, 1663. The abovesaid assembly being legally called and orderly met for the solemn reception of his Majesty's gracious letters patent unto them sent, and having in order thereto chosen the President, Benedict Arnold, moderator of the assembly.

"It was ordered and voted, *nemo contra decente*. 1. That Mr. John Clarke, the Colony agent's letter to the President, assistants and freemen of the Colony, be opened and read, which accordingly was done with delivery and attention. 2. That the box in which the King's gracious letters were enclosed be opened, and the letters with the broad seal thereto affixed, be taken forth and read by Captain George Baxter in the audience and view of all the people; which was accordingly done, and the said letters with his Majesty's royal stamp, and the broad seal, with much becoming gravity held up on high, and presented to the perfect view of the people, and then returned into the box and locked up by the Governor, in order to the safe keeping of it. 3. That the most humble thanks of this Colony unto our gracious sovereign Lord, King Charles the second, of England, for the high and inestimable, yea, incomparable grace and favor unto the colony, in giving these his gracious letters patent unto us, thanks may be presented and returned by the Governor and Deputy Governor, in the behalf of the whole Colony".

¹The Charter itself is printed in *R. I. O. R.* II, 3-21, and elsewhere.

Block Island, as has previously been noted, was joined to Rhode Island in the charter. After the murder of Captain Oldham in 1636, this island had been taken by Massachusetts "by right of conquest", and October 19, 1658, was granted to John Endicott, Richard Bellingham, Daniel Denison and William Hawthorne as a recognition for their efficient services to their colony. But the territory was remote and not very desirable, and in 1660 was sold to a company of Massachusetts men. After considerable discussion as to ways and means, they decided to remove there, and by 1662 a settlement was begun. Such was the condition of affairs at the time of the granting of the Charter of 1663. The island, though settled by Massachusetts Puritans, naturally belonged to Rhode Island on account of its location. At any rate, the King saw fit to include it within Rhode Island territory, and as the settlers themselves never protested, no controversy as to former possession arose.¹

Soon after the arrival of the charter, at the March session of 1664, the General Assembly informed the inhabitants of Block Island that they were henceforth under Rhode Island jurisdiction. At the following session, it admitted several of the islanders as freemen, appointed selectmen with power to try causes not exceeding forty shillings, told them that "no person should be molested for any difference of opinion in matters of religion", and gave them liberty to send deputies to the General Assembly. After some slight embarrassment in becoming accustomed to their new government, they began to enter into colony life, accept the colony's assistance and pay colony taxes. In 1672, they were incorporated by the General Assembly as the Town of New Shoreham, the sixth town, in point of time, to be received into the colony. They received a charter empowering them to choose town officers, and henceforth, so far as their colony relations were concerned, lived the quiet and untroubled life that their remoteness made possible.

In the Narragansett country, the state of affairs was different. The controversy, apparently settled with unmistakable clearness by the Charter of 1663, was only just begun, and remained unsettled until over half a century had passed away. As soon as Connecticut had

¹For the early history of Block Island, see the historical sketches by Livermore, Sheffield, and Beckwith; also *Mass. Col. Rec.* iv, pt. 1, 356. Massachusetts in March, 1664, included Block Island among those lands which were subject to controversy (*Extracts from Mass. MSS.* 1, 237, in R. I. H. S. Lib'y), and John Alcock petitioned the Royal Commissioners in 1665 that, as Block Island had submitted to Rhode Island, he might not be dispossessed of his purchase (*R. I. C. R.* ii, 128). No attempt, however, seems to have been made by Massachusetts to question the King's dictum.

received her charter, the Federal Commissioners immediately wrote to Rhode Island, in September, 1662, that according to the King's pleasure, the lands at Pawcatuck and Narragansett now belonged to Connecticut. Rhode Island replied that the charter in question had been procured "by a underhand dealing, and that the power that granted doth so resent it, being now fully informed of the sleights used by those that did purchase the same", and William Brenton wrote Connecticut, imploring that the differences should be "composed in peace and friendship".¹ Nothing further seems to have been done until July, 1663, when the Atherton Company at Narragansett took decisive action by submitting themselves to Connecticut jurisdiction. Connecticut, in her letter of acceptance, appointed officers for "the plantation at Mr. Smith's trading-house", urged "that the said plantation be settled with such inhabitants as may promote those religious ends mentioned in our Charter", and ordered that the place should henceforth be called by the name of Wickford.²

As soon as Rhode Island received her charter making the Narragansett country a part of her soil, she immediately took action upon these questions of territorial jurisdiction. At the first general assembly held after its arrival, in March, 1664, she summoned the intruders at Narragansett to answer for their conduct at the next meeting of the Court, and also wrote a letter to Connecticut complaining of the molestation of Rhode Islanders at Westerly and giving notice of the intention to run the western line. Connecticut, busy with the settlement of her own internal affairs, paid no attention to this letter, nor to subsequent complaints made by her subjects at Wickford, of Rhode Island aggressiveness. Again did Rhode Island write in July, 1664, requesting a reply to her former letter, and expressing surprise that Connecticut should exercise authority at Narragansett in view of the King's decision as to the bounds of that country. Again did those at Wickford complain, asserting "Our own inhabitants begin much to

¹*Plym. Rec.* x, 288; *R. I. O. R.* 1, 495; *Extracts from Conn. MSS. relating to R. I.* 1, 5, in R. I. H. S. Library.

²*Ext. Conn. MSS.* 1, 10, 12; *Conn. Rec.* 1, 407. This submission was in accordance with the third provision of the Winthrop-Clarke agreement, although the Atherton partners in a later letter, stated that Connecticut was the "place we desired to be under before ever the charter was granted, as may be manifest by our desire to your Governor before his going to England". (*Ext. Conn. MSS.* 1, 13.) Wickford received its name from Wickford, Essex Co., England, which was the early home of Elizabeth, the wife of Gov. John Winthrop, of Connecticut. (See *Mass. Hist. Soc. Proc.* xiii, 250; Potter's *Early History of Narragansett*, 1886 ed., p. 415.)

desert your interest . . . the government of Rhode Island takes advantage, we conceive, by your silence and slowness to action".¹

At last Connecticut realized that, if she wished to obtain the Narragansett country, she must take immediate action. In a letter to Rhode Island of July 20, she requested that that colony should refrain from exercising jurisdiction over the Atherton men, who had merely carried out one of the provisions agreed to by John Clarke. She further suggested that before the colony line was run, a meeting of arbiters should be held to consider their respective claims. To this Rhode Island agreed, and in October commissioners were appointed by both colonies to settle the boundary disputes, the Connecticut act of appointment providing that "the said Committee shall not give away any part of the bounds of our Charter". Before this joint commission, which on account of the Connecticut proviso could never have accomplished anything, could make arrangements for a meeting, the news arrived that the Royal Commission appointed by the King early in 1664, was about to visit Rhode Island, and all eyes were turned toward this event.

This Commission, consisting of Colonel Richard Nicolls, Sir Robert Carr, Colonel George Cartwright, and Mr. Samuel Maverick, were appointed to reduce the Dutch at New Amsterdam, to gain information about the general condition of the New England colonies, to settle all colonial disputes, and to define the boundary lines of the several chartered jurisdictions, subject, however, to the approval of the King. Arriving at Boston in July, 1664, they soon sailed for New Amsterdam, where they settled several controversies in that vicinity, then returned east to visit Plymouth, and entered Rhode Island in March, 1665.² Their arrival meant a great deal to the colony. The coincidence of Rhode Island views with the expressed wishes of the King's representatives, together with the gratitude felt for the granting of the colony charter, made the assurances of allegiance a pleasure rather than a duty. Those of the commissioners who had visited the colony on their way to New York had been entertained as well as possible, and were "pleased to accept that poor expressions of ours as season afforded"; while to Nicolls was written a letter, acknowledging the receipt of the King's behests, desiring a full and equal hearing concerning the Narragansett country, and professing devotion to the King and his representatives.

¹*Est. Conn. MSS.* 1, 40, which contains all this contemporary correspondence. Some of the letters are printed in *R. I. Col. Rec.* and most of them are referred to in Bowen's *Boundary Disputes of Conn.* pt. 2.

²The details of their stay in New England, although prejudiced wherever Massachusetts is concerned, is best given in Palfrey, v. 2, chap. 15.

The method taken by the commissioners in deciding the title to the Narragansett country was perhaps the wisest that could have been devised. The submission of the Indian sachems procured by Gorton in 1644 was made the basis of a decision whereby the whole country was taken possession of in the name of the King, legally named King's Province, and declared to extend as far west as the Pawcatuck River. The pretension of the Atherton Company to the territory by virtue of their grand mortgage was declared void, as were also both their purchases from the Indians in 1659, in which there was "no mention of any consideration".¹ In addition they ordered that the governor, deputy-governor and assistants of Rhode Island should serve as magistrates throughout the Province. At Misquamicuck, likewise, they decided that all grants of land made by Massachusetts or by "that usurped authority called the United Colonies", to any person whatsoever, were void. An added rebuff was given to Massachusetts in the declaration that "no colony hath any just right to dispose of any lands conquered from the natives, unless both the cause of that conquest be just, and the lands lie within those bounds which the King by his charter has given it".²

Another duty for the commissioners to perform was the decision as to the line between Plymouth and Rhode Island. Shortly before their arrival, in June, 1664, Plymouth had complained to Rhode Island of intrusions upon her territory, and in October following the latter colony answered by proposing the appointment of a committee who should determine as to the boundaries. All negotiations, however, ceased upon the return of the royal commission from New York. Rhode Island appointed three men to appear before that body at Seekonck on February 27, 1665, when the subject was to come up for decision. But the commissioners could come to no definite settlement since, as they stated in their report, Rhode Island claimed a strip three miles in breadth bordering upon Narragansett bay, which Plymouth could not yield without great prejudice to her interests. Accordingly they established the "water" as the natural bounds between the two colonies until the King's pleasure should be further known.³ Unfortunately the Rhode Island charter had not settled the boundary with unmistakable clearness. The phrase "extending three miles to the

¹*R. I. H. S. Coll.* iii, 179-182. The purchasers were also ordered to quit their habitations by the following September, which order, however, was later remanded.

²*Idem*, p. 262.

³The early negotiations are in *R. I. O. R.* ii, 74, 80, the report of the commissioners in ii, 128, and the letter to Clarendon in ii, 164.

east and northeast of the most eastern and northeastern parts of Narragansett Bay" was one that would take considerable arbitration to be satisfactorily determined. The Rhode Island claimants certainly had strong arguments, in alluding to the proximity of the strip in question and its fitness to belong to their jurisdiction, to support their request that the charter should be interpreted most favorably to them. In their letter to Lord Clarendon, in September, 1666, giving seven reasons why the eastern line should be settled "according to the meaning and letter of the charter", they state that the land opposite the whole length of the Island of Rhode Island had never been improved by Plymouth, that it could not be fortified by Plymouth on account of its remoteness, and that the inhabitants already there had formerly lived and were still desirous of living under Rhode Island jurisdiction. However strong were the arguments brought forward, the decision remained unrendered for many years. Occasionally a clash as to jurisdiction would cause an exchange of letters, but it was not until nearly a century had passed that the line was finally determined upon by royal order.

Yet a third Rhode Island controversy was to be presented before the commissioners during their stay. Gorton and his companions, after having in vain sought reparation for the losses inflicted by the Massachusetts men twenty years before, addressed a "humble petition" to the commission at the time of their arrival in Rhode Island. In this they briefly summed up the many wrongs they had suffered during their capture and imprisonment, and made especial mention of the damage inflicted by the petty sachems who lived at Warwick under color of Massachusetts authority.¹ The commissioners soon paid attention to their petition by ordering, on April 7, 1665, that Pumham and his Indians should remove from Warwick Neck within a year.² But to obtain any redress from Massachusetts, opposed in every way to the commission and dreading the least interference with their self-

¹*Mass. Rec.* iv, pt. 2, 253. Their letters to Mass. and to the United Colonies, setting forth their claims and giving notice of their intention to appeal to the King, are in *R. I. H. S. Coll.* ii, 217, 224.

²The town of Warwick was to pay Pumham twenty pounds for his removal. Sir Robert Carr, on his return to Rhode Island in December, 1665, found that the Indians had not yet removed, and only by doubling the bribe could he oust them. John Elliot, instigated doubtless by Massachusetts authorities, wrote an ill-timed letter of intercession in Pumham's behalf, which, together with other transactions, led Carr to assert that the Bay magistrates were "unwilling to let the people in these southern parts rest under his Majesty's government". Roger Williams also, who was misinformed as to the matter, wrote urging pacification. (All this correspondence is in *R. I. C. R.* ii, 132-138.)

assumed domination over New England, was quite another matter. The request for an answer upon the subject from the General Court brought forth a wordy and abusive reply that scarcely gave promise of any reparation. Cartwright, discouraged with the general opposition against the commission, wrote to Gorton: "These gentlemen of Boston would make us believe that they verily think that the King has given them so much power in their charter to do unjustly, that he reserved none for himself, to call them to an account for doing so. In short, they refuse to let us hear complaints against them, so that, at present, we can do nothing in your behalf. But I hope shortly to go for England, where, if God bless me thither, I shall truly present your sufferings and your loyalty".¹

The final duty of the commissioners was to submit to the colony a set of five proposals similar to those which had been offered to Plymouth and Connecticut, and which with certain reservations regarding the religious clause had been accepted. These proposals, which were acted upon by the General Assembly in May, 1665, were as follows:

"1. That all householders inhabiting this Colony take the oath of allegiance, and the administration of justice be in his Majesty's name.

"2. That all men of competent estates and of civil conversation, who acknowledge and are obedient to the civil magistrate, though of differing judgments, may be admitted to be freemen, and have liberty to choose and to be chosen officers both civil and [military].

"3. That all men and women of orthodox opinion, competent knowledge and civil [lives], who acknowledge and are obedient to the civil magistrate, and are not scandalous, may be admitted to the sacrament of the Lord's Supper, and their children to baptism, if they desire it; either by admitting them into the congregations already gathered, or permitting them to gather themselves into such congregations where they may enjoy the benefits of the sacraments, and that difference in opinion may not break the bands of peace and charity.

"4. That all laws and expressions in laws derogatory to his Majesty, if any such have been made in these late troublesome times, may be repealed, altered, and taken off.

"5. That this Colony be put in such a posture of defense, that if there should be any invasion upon this Island or elsewhere in this Colony (which God forbid), you [may in] some measure be in readiness to defend yourselves; or if need be, to relieve your [neighbors] according to the power given you by the King in your Charter, and to us in this commission and instruction".

Upon these proposals, the assembly "in a deep sense of his Majesty's most royal and wonderful grace and favor more particularly expressed

¹R. I. H. S. Coll. II, 246; *Mass. Rec.* IV, pt. 2, 274.

in his gracious Charter", took most favorable action. To the first they assented, only substituting in place of the "oath", an "engagement" of similar purport and equal binding force. With the second and third proposals, which provided for complete religious toleration, the assembly most heartily concurred, declaring that "as it hath been a principle held forth and maintained in the colony from the very beginning thereof, so it is much on their hearts to preserve the same liberty to all persons within this colony forever". To the fourth and fifth proposals, the assembly gave their cheerful consent, passing in accordance with the last, a complete militia law which required frequent trainings, pay for service, individual ownership of ammunition, and maintenance of town magazines.¹

The work of the commissioners in Rhode Island was completed. In no colony had their proposals been so willingly accepted. In no colony were they themselves so heartily welcomed. Their requests and demands were in perfect unison with those principles which Rhode Island had maintained from the beginning—liberty of conscience, opposition to a New England oligarchy controlled by Massachusetts, and allegiance to the mother country to which Rhode Island owed so much. With such impartial and powerful friends, it is needless to say that Rhode Island's "demonstrations of loyalty and obedience", to which the commissioners especially referred to in their report, did not go unnoticed among those who administered the affairs of the colonies.

Scarcely had the commissioners departed from Rhode Island, when there arose in Providence one of the most bitter local quarrels that the colony had ever witnessed. Although a study of it belongs to local, rather than to colony history, yet a brief allusion to the dispute is helpful in order to show the general ineffectiveness of both town and colony government. Almost from its very foundation, Providence had been disturbed with contention over the vaguely worded boundaries of Roger Williams's original deed. The great body of proprietors, led by William Harris, asserted that the clause "up the stream of Patuckett and Patuxet without limits we might have for our use of cattle" in the "memorandum", gave to them, not the mere right of pasturage, but a fee simple in all the territory as far west as twenty miles—to what was later the Connecticut line. Through Williams's deed to them of the "Pawtuxet lands" in 1638, they claimed that all this territory was vested in them, and by means of liberal gratuities, obtained from the degenerate heirs of Canonicus and Miantonomo "confirmation deeds" of both lands and rights of pasturage as far west as

¹*R. I. C. R.* ii, 110-118.

twenty miles from Fox's hill. Williams, on the other hand, solemnly asserted that "the great Sachems never gave me, nor did I give to any, a foot beyond those known stated bounds fixed us in our grand original deed, to wit, Pawtuckqut, Notaquonckanit, Mauhapog, and Pawtuxet, which at the furthest the Sachems would never suffer to extend beyond Paupauquunnappog, far short of W. Harris's being at Pauchasit, which was ever accounted by the Indians a violation".¹ He always spoke bitterly and invectively of this "rawming for up streams without limits" and said that such a boundary was "a terrible Beast, not only tearing our peace and neighborhood in pieces, but spits fire and spreads fire and sets the towns on fire, and the whole colony also, unless the merciful Lord please most wonderfully to quench it".²

This variance, engendering many minor disputes, had been the cause of much disturbance at town meetings for many years, but it remained for the lull succeeding the departure of the royal commissioners from Rhode Island for it to break out again with renewed virulence and force. On June 3, 1667, at the Providence town meeting for election of officers, a wordy controversy arose as to the qualification of voters. The meeting split into two factions, headed by Arthur Fenner and William Harris, and chose two respective sets of deputies for the general assembly. The Fenner party immediately addressed a vituperative document, called "The Firebrand Discovered", to the other towns, in which they gave their side of the story and incidentally visited much opprobrium on the said Harris.³ That gentleman then procured of the Governor the calling of a special session of the assembly to test his case and to bring Fenner to trial. If he hoped to better his cause by such action, he must have been sadly disappointed. For the assembly quickly accepted the deputies chosen by virtue of Fenner's warrant, cleared Fenner himself of all charges against him, and discharged Harris from the office of assistant. In addition, upon the petition of the town of Warwick,⁴ they fined him fifty pounds for

¹*R. I. H. S. Publ.* viii, 158.

²*R. I. Hist. Tract*, xiv, 35. Even if we adopt Williams's idea of the original boundary as correct and morally just to the Indians, we must acknowledge that the more liberal construction placed upon the vague wording by the proprietors prevented the intrusion of alien purchasers into the territory in question and preserved it intact to be included under the Rhode Island charter of 1663.

³A copy of this document is in *Copies of Warwick Records*, p. 15, in the R. I. Hist. Soc. Library.

⁴Harris had earned the enmity of Warwick both through personal disputes over land and through his activity in collecting the rate for paying John Clarke. Warwick objected to this rate, giving several rather insufficient

putting them to the expense of calling an assembly at such a busy season of the year.

The Fenner party had won a complete triumph, which was, however, to be short lived. Harris, undoubtedly through his influence with the Quakers, was reinstated in his office of assistant at the following May elections of 1668, and Fenner was dropped. Governor Brenton refused to qualify him, but Deputy-Governor Easton, a Quaker, willingly administered the engagement.¹ Harris was not yet satisfied. Through a letter of complaint addressed to Col. Nicolls, one of the royal commissioners, he induced that official to make a protest against the fine previously imposed upon him, as being unprecedented in English law. The general assembly immediately remanded the fine.² Letters and protests now followed in rapid succession, Roger Williams writing vituperatively about Harris, Warwick vigorously protesting against the "contrary deportment of others", and Governor Brenton bewailing the general disorder and imploring peace.³ At last Brenton could stand it no longer. In March, 1669, he wrote to the various towns, complaining of attacks upon his property and of discouragements offered to him in public office, and requested that they should "pitch on some other person that might be more serviceable to the Colony". Accordingly, at the next May election, Benedict Arnold was chosen Governor. Through all this turmoil, Harris remained in the office of assistant, took part in the most important meetings of the governor and council, and was reinstated in his old position of chief gatherer of the John Clarke rate of 1664. His triumph is all the more remarkable in view of the fact that his designs with Connecticut against Rhode Island ownership of Narragansett territory were already suspected.

The disputes at Providence continued with unabated vigor, rendering the townsmen incapable of transacting their own affairs and preventing their aid in the management of colony matters. The general assembly, in October, 1669, was finally forced to take action. "Sadly resenting the distractions amongst our ancient, loving and honored neighbors of the town of Providence, and finding that the cause of the aforesaid inconveniences ariseth from disagreement about divisions

reasons (*R. I. C. R.* ii, 78, 142,) which drew forth from Roger Williams one of the finest and most powerful letters that he ever wrote. (In *R. I. H. S. Publ.* viii, 147. See also Arnold i, 325, 336, and *Copies of Warwick Records*, p. 10, 13, 14, 18, in *R. I. Hist. Soc. Library.*)

¹*R. I. C. R.* ii, 223, and Arnold i, 335.

²*Idem*, ii, 284, 287.

³*Prov. Rec.* xv, 117, 118, 120, 121, 124; *Copies of Warwick Records*, p. 8, 19-22; and *Moses Brown Papers*, xviii, 117, in *R. I. Hist. Soc. Library.*

of lands", they appointed a committee of five men to repair to the town and at a meeting of all the inhabitants, to persuade them to compose their differences by arbitration. This having been done, a meeting of the freemen was to be called, in which all the town officers should be elected and a set of deputies chosen for the assembly.¹ This laudable attempt at a settlement completely failed. Neither party would brook interference which in any way compromised their titles to property. The assembly, at the March session in 1670, sadly alluded to the failure of the committee, and appointed two men to ascertain who were the legal voters of Providence, in order that a town meeting should be held for election of officers and deputies to the succeeding assembly. Again there was a dispute at the May session, and we learn from the assembly record that "whereas, there was a difference about the choice of the second assistant for Providence, between Mr. William Harris and Capt. Arthur Fenner, which of them was chosen, and they both being not very free to accept upon so doubtful terms, therefore by the assembly Mr. Roger Williams is chosen assistant".

Thus the dispute went on. The assembly took no further action toward officially settling the matter and Providence town meetings continued to be beset with land controversies, which, however, diminished in force as the landed proprietors gradually gained the ascendancy over the smaller holders. Williams's protest against the enlarged construction of the original grant found few to favor it, and after the great King Philip war came to discredit all Indian rights and claims, was scarcely ever revived. The proprietors continued to draw lots for vacant lands and dispose of it to their best advantage, while the few who opposed such proceedings could never gain enough power to make their voices heard. The whole controversy as alluded to in these pages merely shows the general disregard of restraint by law and the lack of a strong, centralized authority in Rhode Island. Thus the town, filled as it was with party factions and bickering spirits, could receive but little help from a legislative body that could make laws, but not enforce them.

Several allusions have already been made to the influence attained by the Quakers in Rhode Island. The refuge offered them at Newport at their first coming into New England they had turned into a stronghold, gradually gaining converts to their belief, acquiring control of town affairs, and making their weight felt in colony elections. For five years in succession—from 1672 to 1676—they had filled the governor's chair, and several men in the northern part of the colony, like

¹R. I. O. R. II, 289. Dorr, *Prov. Proprietors*, p. 97-99.

William Harris and others, had discovered the beneficent results of adopting their principles. Roger Williams, although strongly opposed to the tenets of the Quakers, yet in consistence with the distinctive Rhode Island principle of religious toleration, always considered them his political equals. He managed to hold aloof from all discussion and controversy as to doctrine, until the arrival of their great leader, George Fox, led many of the "orthodox faith" to regard with favor the new belief. In company with some of his disciples, Fox left England to visit America, and finally reached Newport in May, 1672, where he became the guest of Governor Easton. Here he found much satisfaction with his reception, with the progress of the faith, and with the meetings to which people "flocked in from all parts of the island". As to the results of his journey to Providence, however, he was more fearful. The people there, he said, "were generally above the priests in high notions", and since some came to his meeting on purpose to dispute, he was "exceeding hot, and in a great sweat. But all was well, the disputers were silent, and the meeting quiet".

A few days after his return to Newport, Williams challenged him to a public discussion of fourteen specific points of Quaker doctrine, seven to be debated upon in Newport and seven in Providence. The challenge was accepted, not by Fox, who, according to Williams, "silyly departed", but by three of his disciples. The date set was August 9th, and Williams, after performing the extraordinary physical feat of rowing down the bay within a single day, entered the lists with unimpaired vigor. After a three days' rather disorderly session at Newport, the parties adjourned to Providence, where they finished the debate. Since each side was apparently well satisfied that it had won the victory, Williams soon published a lengthy volume with the punning title, "George Fox digged out of his Burrowes". Fox, with his disciple Burnyeat, immediately replied with a treatise having the equally graphic title "A New England Firebrand Quenched". Few of even the most assiduous antiquaries would have the courage to toil through the accounts of this weary and profitless dispute. The point to be especially noticed by the historical student of to-day is the fact that these hair-splitting discussions over religious doctrine were more momentous to the people of that period than were ever debates on political subjects. The controlling element of religion in social life, and hence its importance as a factor in legislation and the making of history, is a matter that must never for a moment be overlooked.¹

¹The authorities for this dispute and the events leading up to it may be found in the Journal of the life of G. Fox; Journal of the life of Wm. Ed-

George Fox

Digg'd out of his

Burrovves,

Or an Offer of

DISPUTATION

On fourteen *Proposalls* made this last Summer 1672 (10 cal'd) unto G. Fox then present on *Rode-Island* in *New-England*. By R. W.

Also how (G. Fox slyly departing) the Disputation went on being managed three dayes at *Newport* on *Rode-Island*, and one day at *Providence*, between *John Stubs*, *John Burnet*, and *William Edmundson* on the one part, and R. W. on the other.

In which many *Quotations* out of G. Fox & Ed. Burrows Book in *Folio* are alleadged.

Plus WITH AN *Apoke*
A P E N D I X

Of some scores of G. F. his simple lame Answers to his Opposites in that Book, quoted and replied to By R. W. of *Providence* in N.E.

B O S T O N

Printed by *John Foster*, 1676.

TITLE PAGE OF ROGER WILLIAMS'S ANSWER TO GEORGE FOX.
FROM THE ORIGINAL IN THE LIBRARY OF THE RHODE ISLAND HISTORICAL SOCIETY.

Affairs in the Narragansett country remained in a strangely settled state after the verdict of the royal commissioners had placed that territory under the control of the Rhode Island magistrates. Connecticut seemed willing to allow the decision to stand unquestioned, and when one John Crandall, in 1667, illegally laid out some land on the west side of the Pawcatuck, she immediately complained of the encroachment, but never even alluded to any claim upon the east side of the river. Thus matters might have indefinitely remained and the boundary decided according to the wording of the Rhode Island charter had not that same old spirit of discontent with Rhode Island institutions again cropped out within her territory. Twice had Richard Smith and his companions beseeched Connecticut to assume jurisdiction over them, chiding her for not taking more active interest in their behalf. So again, on May 4, 1668, we find Hudson, Smith and the other inhabitants of Wickford begging Connecticut to "assume her power and to afford us protection . . . we being not able to live either in our civil or ecclesiastical matters without government".¹ Dissatisfied with the factious Rhode Island government, and especially provoked by the absence of a state protected church, these alien inhabitants of Narragansett much desired to be under the strong ecclesiastical government of Connecticut. Thus importuned, that colony soon renewed her claim to Narragansett Bay and appointed agents to treat with Rhode Island. But matters were not proceeding fast enough to suit the Wickford men. Again, in October, 1668, they write, "At present being without government we crave you will be pleased to consider our former petition and take us under your wing, that so we may know whither we have recourse for justice; and also to appoint such as in your wisdom you think meet to be ministers of justice amongst us, which our necessity requires, for we cannot be content to live under an anarchy".² Connecticut, however, did not quite yet dare to take such summary action in view of the recent decision of the commissioners, and answered by proposing a mutual treaty.

For over a year several fruitless attempts at arbitration were made. Connecticut's feeble claim was still further weakened by the firm and

mundson; *The Truth Exalted*, Memoirs of J. Burnyeat; and the volumes mentioned in the text above. See also *Narr. Club. Publ.* vi, 357-362, and Prof. Diman's excellent introduction to the reprint of Williams's treatise in v. 5 of *Narr. Club Publ.* In the *R. I. Hist. Soc. MSS.* i, 18, 21, is a paper written July 25, 1672, to Thomas Olney, jr., and John Whipple, jr., entitled "George Fox's instructions to his Friends", and also a lengthy and condemnatory reply made by Olney in a paper called "Ambition Anatomized."

¹*R. I. C. R.* ii, 227. The complaint concerning Crandall is in *Idem*, p. 226.

²*Idem*, p. 230.

honorable position taken by Governor Winthrop, who in a letter to his assembly, May 17, 1670, publicly voiced his "dissent from exerting power of jurisdiction over the people of the east side of the Pawcatuck River and Narragansett Country, until his Majesty's pleasure be further known".¹ But Connecticut was now firmly decided upon enforcing her claim, and made ready for the approaching meeting of agents at New London, on June 16, 1670. The proceedings of this meeting, which at the suggestion of Rhode Islanders, were conducted entirely in writing, occupied three days and included seventeen letters and replies. Connecticut claimed the Narragansett country since her prior charter of 1662 granted territory as far east as the Narragansett River or Bay. Rhode Island replied that the King, in her charter of 1663, had expressly determined that the Pawcatuck River should be the westerly bounds of Rhode Island, and had especially vetoed the clause in the Connecticut charter by referring to the Winthrop-Clarke agreement. The whole argument for the two days was given over to a discussion of the exact meaning of the term "Narragansett River", and since neither colony would yield an inch and Connecticut would not recognize the decision of the royal commissioners, it was but natural that the results of the conference should be absolutely fruitless.²

The Connecticut authorities then publicly proclaimed their authority at Wickford and Westerly, meeting with little opposition. The Rhode Island assembly immediately met in special session and took measures to defend their colony against the invasions of Connecticut. The issue was now fairly joined. The display of arms, the arrest of Westerly officers, and the threats of violence, drew forth from Governor Arnold a long and dignified letter to Governor Winthrop, in which he urged moderation and requested that Connecticut should forbear jurisdiction east of the Pawcatuck until the whole matter should be settled by the King. Such high-handed action, indeed, was frowned upon by many high in Connecticut authority. Winthrop had already dissented, and now, on August 3, 1670, Lieutenant-Governor John Mason wrote to the agents, counselling an "agreement in some rational way", and questioning whether the territory in dispute was worth the expense of trying to acquire it.³

¹*R. I. C. R.* ii, p. 311.

²The details of the conference, together with much previous and subsequent correspondence, are in *R. I. C. R.* ii, 309-328.

³His letter (in *R. I. C. R.* ii, 348) was written as a result of a letter from Roger Williams (in *Narr. Club Publ.* vi, 333, *1 Mass. Hist. Soc. Coll.* i, 276, and elsewhere). Williams told Mason that the cause of the trouble was, first, "a depraved appetite after great portions of land in this wilderness", and, second, "an unneighborly and unchristian intrusion upon us, as being the weaker, contrary to your laws, as well as ours."

The whole affair now settled down to a stubborn struggle. Every fresh act of violence would call forth a complaint and reply, and then each colony would appoint a new commission of arbiters, whose work was sure to be in vain. In one of her letters, Rhode Island said, "to be plain and clear, in few words, we must tell you that we have no power to alter, change, or give away any part of the bounds prescribed and settled by his Majesty in his gracious letters Patents". Connecticut quickly replied, "We must needs say, if in your former you had dealt as plainly, we should never have given ourselves the labor and trouble we have had on that account".¹ With such an unyielding spirit shown on both sides, it is no wonder that arbitration was futile.

Connecticut had now a powerful ally in Rhode Island in the person of William Harris. In a letter to the general assembly, which seems to have come to their notice in February, 1672, he strongly opposed the sending of an agent to England, and then proceeded to give copious reasons why Rhode Island's claim to the Narragansett country should not be pressed. His long arguments in favor of Connecticut so angered the Rhode Island authorities who were striving to keep the lands as bounded by the terms of their charter intact, that they had Harris haled before the Court of Justices at Newport, where they committed him to prison without bail, upon the charge of speaking and writing against the charter. But upon the advent of the Quakers to supremacy as a political party, in April, 1672, Harris was released and later restored to office.² His arguments, fortified with much show

¹*R. I. C. R.* ii, 422, 432, under dates of Nov. 4, 1671, and Jan. 29, 1672.

²Harris's document is filed in the Ct. Rec. under the apparently wrong date of Oct. 1666. (See copy in *Extracts from Ct. MSS.* i, 49-67, in *R. I. H. S. Library.*) An original draft in Harris's handwriting, in the *R. I. H. S. MSS.* i, 17, is followed by a copy of the order for his arrest dated February 24, 1671-72, and is endorsed "This the copy of that for which I was imprisoned and tried for my life". Harris's action in the matter is open to much doubt and controversy. There were many in Rhode Island, to be sure, who favored his views, as may be shown from the course of events. On Sept. 25, 1671, the assembly, strongly pro-Rhode Island, appointed John Clarke to go to England on the Narragansett business and levied a rate of £200 for his expenses. Then came Harris's protest, and his consequent arrest and imprisonment for treason, Feb. 24, 1672. In April, the assembly met, refused to receive a paper from Harris, renewed the tax for Clarke, and passed a high-handed act, ordering that all who opposed any rate laid by the assembly should be bound over to the Court of Trials for "high contempt and sedition". (*R. I. C. R.* ii, 411, 429, 435, 439.) The following month, there came a great political upheaval. Easton was chosen governor in place of Arnold, Smith and Brinley were elected assistants from Narragansett, and scarcely a member of the former assembly was retained. It was an alliance of the moderate Quaker element with the pro-Connecticut element in Narragansett. They immediately proceeded to undo the work of their predecessors, repealing the sedition act and the rate for Clarke, and writing a conciliatory letter to Connecticut. (*Idem*, p. 450-461.) The spirited protests, however, sent in by the people of Warwick

of legal reasoning, brought about a more conciliatory attitude toward Connecticut, prevented the immediate sending of an agent to London, and undoubtedly did much to hinder the settlement of the Narragansett controversy in Rhode Island's favor. The whole dispute, however, was temporarily obscured by the preparations for King Philip's War, after which, under somewhat changed conditions, it again broke forth, to annoy both colonies for a long series of years.

CHAPTER IX.

FROM KING PHILIP'S WAR TO THE COMING OF ANDROS, 1675-1686.

Rhode Island was about to enter upon a period that was to affect her prosperity and retard her economic growth more than any other series of events in her previous history. The fear of an Indian uprising, so long dreaded, yet scarcely expected by the colonists, was soon to be realized. As the English increased in numbers and hewed their way further and further into the forests, establishing boundaries for large tracts of land, and introducing a new civilization, the Indians saw their tribal lands rapidly disappearing, their favorite fishing-places invaded by the saw-mills and grist-mills of the settlers, and their barbarian means of subsistence supplanted by a mode of living that they would neither understand nor adopt. Under such social conditions a collision was inevitable. Many disputes and altercations arose,

and by others (see *Copies of Warwick Rec.* p. 25-26 in R. I. H. S. Library) prevented this reaction from going too far. Subsequent assemblies, more patriotic in their make-up, showed no intention of acceding to the intrusion of Connecticut. The whole series of events would seem to show that Harris, whatever may have been his motives, was considered a traitor only by the party that opposed him. Williams's recorded opinion, though perhaps prejudiced, is of much importance in this connection. Harris, he says, "not finding that pretence, nor the people called Baptists (in whom he confided) serving his ends, he flies to Connecticut Colony (then and still in great contest with us) in hopes to attain his gaping about land from them, if they prevail over us. To this end he in public speech and writing applauds Connecticut's Charter, and damns ours, and his royal Majesty's favor also for granting us favor (as to our consciences) which he largely endeavors by writing to prove the King's Majesty by laws could not do. Myself (being in place) by speech and writing opposed him, and Mr. B. Arnold, then Governor, and Mr. Jo. Clark, Deputy-Governor, Captain Cranston, and all the Magistrates. He was committed for speaking and writing against his Majesty's honor, prerogative, and authority. He lay some time in prison until the General Assembly, where the Quaker (by his wicked, ungodly, and disloyal plots) prevailing, he by their means gets loose". (*G. Fox dugged out of his Burrowes*, p. 206-7.)