

CHAPTER X.

ANDROS AND THE ROYAL GOVERNORS, 1686-1701.

The rule of Andros was looked forward to with less fear in Rhode Island than in any other colony. The establishment of this new authority in New England meant, first of all, the transference of all political power from the hands of the colonists to Andros and his council. Laws could be made from which there was no appeal, financial systems altered, and taxes levied by strangers who little understood local wants and requirements. The provision in Andros's commission allowing him to grant land upon payment of quit-rents was also fraught with much danger, particularly in this country, where soil was the chief item of wealth. But the most hated attack upon New England's institutions was the establishing of tolerance in religion. In order to obtain a foothold for the Church of England, Episcopal forms and rites were introduced and the Baptist, Quakers, and other despised sects were elevated to influence at the expense of the Puritan church. It was not liberty of conscience as a principle, but it signified the downfall of theocracy. All these invasions of former rights were felt most in Massachusetts, the especial object of royal interference, and least in Rhode Island. In the latter colony there was little commerce to lay duties upon, the collecting of any tax whatever was sure to be attended with considerable difficulty, and there was no established church to feel the effects of Andros's attitude on religion. The coming of the new rule meant that Rhode Island was guaranteed protection against the oppressions and incursions of her neighbors, and was destined to enjoy a longer period of repose than had ever been her privilege before.

Andros arrived at Boston on December 19, 1686, and immediately established himself in office. The first news Rhode Island received of his coming was in the form of an official letter, dated December 22, stating his authority to demand her charter, and appointing seven of her inhabitants as members of his general council. He also wrote a friendly letter to Gov. Walter Clarke to acquaint him of his arrival.

Rhode Island, although she had no particular antipathy against the Andros rule, had no intention of parting with her charter except as a last resort, and replied that it "was at their Governor's house in Newport, and that it should be forthcoming when sent for, but in regard to the tediousness and bad weather, it could not then be brought".¹

Andros held his first council meeting at Boston, on December 30, 1686, at which five of the seven Rhode Island members were present. The colony was henceforth governed by this body, although her members do not seem to have taken enough interest to attend further meetings. The minor details of administration were cared for by a local court called "The General Quarter Sessions and Inferior Court of Common Pleas holden at Newport, Narragansett, and Providence Plantations". Of this court Francis Brinley was chairman and judge, and the royalist, or Narragansett, element generally predominated.² Although the Rhode Island authorities had intended that all public business should be transacted by the towns, there seems to have been little done in this direction.³ The only business apparently done was the occasional and irregular election of town officers and a few spasmodic attempts to collect the tax rate ordered by Andros. It was chiefly in this latter respect that Rhode Island was made to feel the effect of Andros's rule. One of the first acts of his council was to require the towns to appoint assessors for a property tax. The apparent disregard of the order by the towns and the constant reference made by the local court to this neglect show that Rhode Islanders suffered little loss in this way. Another attempt to raise revenue was

¹*R. I. C. R.* iii, 219, and *Jour. of Andros's Council in Am. Antiq. Soc. Proc.*, n. s., xlii, 242.

²The proceedings of the Court, from June, 1687, to December, 1688, are in *R. I. C. R.* iii, 229-248. Brinley, Peleg Sanford, Richard Smith, and John Fones were the leading members of the Court. When, in December, 1687, the building of new court-houses was suggested, Brinley and Sanford "judged it convenient" that one be erected in Newport and the other in Rochester, formerly Kingston. (*R. I. C. R.* iii, 228.) Warwick quickly protested, advancing her claim as a more central site than Rochester. (*Ext. from Mass. MSS.*, ii, 72, in *R. I. H. S. Lib'y.*)

³Newport had only one town meeting during the Andros period, on April 6, 1687, when one was called by warrant from the treasurer to choose selectmen to assess the rate of one penny to the pound on each inhabitant's estate. (Newport MS. records of Town Meetings, 1682-1739, p. 48.) Staples says that "little transpired in the concerns of Providence, that can now be gathered from the records". (*R. I. H. S. Coll.*, v, 177.) Similar conditions seem to have existed in the other towns.

by farming out the excise on liquors, and by allowing quit-rents, but neither of these means seem to have yielded much return.¹

Rhode Island, although she had voted not to stand suit with the king and was practically under the government of Andros, had not yet vacated her charter by actual surrender. In the spring of 1687 the king in council made several orders for the prosecution of the writ of *quo warranto* against Rhode Island, and in November, Andros, while on a visit to Newport, again demanded the charter. Governor Clarke, forewarned of his coming, had sent the precious document to his brother, with the request that it should be concealed. After the departure of Andros the charter was returned to the governor, who retained it until the revolution of 1689 permitted a resumption of government under it.² The colony seal, however, was produced and broken by Andros.

Andros's sole authority for governing Rhode Island was contained in that document which empowered him to obtain her charter and to exercise a like control over her as over the other New England colonies. On April 7, 1688, the king sent out a new commission to Andros, in which it was stated that since the issuing of the first commission of June, 1686, it had been thought "necessary for the service and for the better security of the King's subjects in those parts, to join and annex to the said government the neighboring colonies of Rhode Island, Connecticut, the Province of New York, of East and West Jersey", etc.³

Scarcely had the new instructions arrived when there came the report of a great political upheaval in England. In April, 1689, a messenger landed at Boston, telling of the revolution, the flight of James, and the invasion of William, Prince of Orange. Without waiting for further news, the colonists arose, seized Andros, compelled the royal fort and castle to surrender, and formed a provisional government with the aged Bradstreet as governor. As soon as Rhode Island was informed of these proceedings, she took immediate action

¹Nathaniel Byfield, of Bristol, was appointed by John Usher, treasurer of the Providence, to be farmer of excise in the Rhode Island district, as appears by an original warrant, July 8, 1687, in his name to John Whipple "to receive the whole excise of all sorts of drink that shall be sold within the township of Providence by retail", for one year. (Quoted in Arnold 1, 503, from a MS. in Prov. Town Papers, No. 0500, and see *Col. State Papers, Col. Ser.*, 1685-88, No. 1093.) The only recorded introduction of quit-rents was in the case of Richard Wharton, who was granted about 1,700 acres in Narragansett for an annual rent of ten shillings. (*Idem*, No. 1414; *R. I. C. R.* iii, 225; and Palfrey, iii, 529n.)

²Quoted in Arnold 1, 506, from Foster MSS.

³*N. Y. Col. Doc.*, iii, 537.

toward forming some temporary government of her own. In an open letter, signed by W. C. and J. C., and addressed to "Neighbors and friends", the authors state that since "we are sufficiently informed that our late government, under which we were subservient, is now silenced and eclipsed, we, under a sense of our deplorable and unsettled condition, do offer to you whether it may not be expedient for the several towns of this late Colony, the several principal persons therein, to make their personal appearance at Newport, before the day of usual Election by Charter, which will be the 1st day of May next, there to consult and agree of some suitable way in this present juncture".¹

Accordingly, on May 1, at a meeting of a body styling themselves a Court of Election, it was determined that their former charter government should be resumed and that all officers, both civil and military, who were in place in 1686 should be re-established in office. A declaration was furthermore adopted justifying their action. We declare, reads the document, "that the late government of the dominion of New England, whereof Sir Edmund Andros was Governor in Chief, as we are certainly informed, is now silenced by reason his person as well as some of his council are seized and confined within the limits of Boston, in New England, for what cause best known to themselves. By which overture, we, the freemen aforesaid, were void of government, the consequence whereof appearing dangerous, we have thought it most safe for the keeping of the peace of our Colony to lay hold of our Charter privileges, establishing our officers according to their former station, hoping and not questioning but through grace and favor, our said Charter according to the extent of it may be confirmed unto us".² This declaration they addressed to "the present supreme power of England", admitting that they were "not only ignorant of what titles should be given in this overture, but also not so rhetorical as becomes such personages".

Having thus established a temporary government, they now awaited the turn of events. Andros was a prisoner at Boston,³ and all New England was gradually recovering its freedom. After a futile attempt to hold an assembly in October, 1689, the Rhode Island authorities

¹*R. I. C. R.*, III, 257, under date of April 23, 1689. The signers are undoubtedly Walter Clarke and John Coggeshall. An original in Clarke's handwriting is in *R. I. H. S. MSS.*, v, 29, in R. I. H. S. Library.

²*R. I. C. R.* III, 266-9, where the proceedings are misdated 1690.

³For Andros's escape to Newport and capture, August 3, 1689, see *Andros Tracts*, I, 174, III, 95-102; Hutchinson, I, 392; *R. I. C. R.*, III, 258; Randolph Papers in *Prince Soc. Publ.*, xxviii, 295; and *Doc. Col. Hist. N. Y.*, III, 614-617.

convened a meeting of the freemen in February, 1690. They had previously petitioned the throne for a confirmation of the charter, which was "not condemned nor taken from us", and now sought to place the government on a firm and permanent footing. Since Walter Clarke seemed disinclined to hazard himself in the position of governor, Henry Bull, the old Newport Quaker, was finally chosen in his stead. A full complement of officers was elected, the charter was demanded of the former governor, a colony seal—an anchor with the motto "Hope"—was adopted, and various other items of business were transacted. But these proceedings were not relished by all the inhabitants. There was a certain small party, composed chiefly of Narragansett land owners, who considered themselves somewhat above the rest of their brethren in the colony, had tasted a quiet period of repose under Andros, and disliked any prospect of being under Rhode Island jurisdiction. The leader of this party was the staunch royalist, Francis Brinley. In a letter to his son, dated in February, 1690, he scornfully alludes to Rhode Island's attempts at legislation and says, "It is high time his Majesty would settle a government over New England. We can never govern ourselves with justice or impartiality, unless there be a good government established here, as in other Plantations. I must remove".¹ But if he or his party hoped that Rhode Island's charter would be invalidated by the Andros proceedings, they must have been soon disappointed. On December 7, 1693, after some correspondence on the subject, the attorney-general rendered as his final opinion, "I see nothing in point of law but that their Majesties may gratify the petitioners, and confirm their charter".² Although the Rhode Island government was now assured, Brinley did not remove. His landed interests were too large to permit his leaving the colony, so he remained and henceforth endeavored to do as much harm as he could to what he called the "Quaker mob government".

The administration of the New England colonies had at length been decided upon by the crown authorities. The Connecticut and Rhode Island charters were allowed to stand, and Plymouth was united with Massachusetts under a new charter in 1691. The political rights of the colonists of this newly formed province were considerably curtailed, in that the governor was to be appointed by the king, the crown was to have the right of veto, and colonial departments, like the

¹*R. I. C. R.*, iii, 259.

²*Idem*, p. 294. A similar opinion had been rendered in the case of Connecticut in 1690. (See Trumbull, i, 387.)

customs and the admiralty, were made directly dependent on corresponding departments in England. This was all in conformity with the king's colonial policy of arraying as united a front as possible against the French in Canada. To that end also, the first governor appointed for the new province was Sir William Phipps, a native of Massachusetts, who favored the crown interests and who had already won a military and naval reputation. He was the precursor of a line of royal governors who, in their endeavor to obtain a concurrent and united action against a common enemy, often encroached upon the chartered rights of the smaller colonies of Connecticut and Rhode Island.

The first controversy between the crown authority and Rhode Island was over the question of militia control. The commission granted to Phipps entrusted him with the command of the militia in Connecticut, Rhode Island, and New Hampshire, and this, of course, clashed with the Rhode Island charter, which gave the colony sole control over her own troops. When Phipps sought to assume his power in this direction over Rhode Island, that colony, after a vain attempt at arbitration, made a formal remonstrance to the king. They claimed that, besides the question of infringement of chartered rights, the abstraction of her military prerogative was very prejudicial to a colony which had such a large water frontier, and that already the advice of certain Narragansett landholders in Phipps's council had been most subvertive of the colony interests. On December 7, 1693, the attorney-general rendered as his opinion that the "power given by the Charter to the government of the colony to train and exercise the inhabitants of that colony in martial affairs is still in force". In August, 1694, the crown, acting upon the advice of the Privy Council, issued a manifesto limiting Phipps's authority to command in times of war such quotas of troops as were required from the colony by royal order.¹

Another ground of complaint made by Rhode Island at this time to the king was in reference to the eastern boundary line. Since Plymouth was added to Massachusetts under the new charter, any disputes with the former colony would now have to be waged with a much more powerful opponent. When Rhode Island attempted to run the eastern line according to the terms of her charter, Phipps prohibited any such proceedings on account of the obscure wording of the clause and because the controversy was as yet unsettled. Rhode

¹The documents for the militia question are in *R. I. C. R.*, III, 285-300.

Island, therefore, in preparing her petition upon the militia question, in 1692, asked that the eastern boundary might be explained as running from the old Massachusetts line south to the ocean, at a distance "three miles eastward of the most eastermost branch of the Narragansett Bay". The Massachusetts agents quickly petitioned for a hearing upon the question before it was decided. Unable to arrive at any determination at so great a distance from the locality in dispute, the English authorities, in 1694, recommended a reference of the matter to disinterested parties living near there.¹ This was accordingly done, but no settlement of the controversy was made until half a century later. Occasional attempts of Massachusetts officers to distrain for taxes led to Rhode Island reprisals, and brought about an unsettled condition in the vicinity of the eastern line similar to that which had existed for so many years on the Connecticut border.

In February, 1695, Phipps died, and the government of Massachusetts passed temporarily into the hands of Lieutenant-Governor Stoughton. It was two years before Phipps's successor was chosen, the home government in the meanwhile waiting for some cessation from the Indian wars in the north before making a new appointment. In the interregnum the most important event happening in Rhode Island was the introduction of the bicameral system into the legislature. This move had been proposed many years before by the town of Warwick, and had all but succeeded in being passed in 1666. The deputies, jealous of the power of the assistants, rather considered themselves as a distinct branch of the assembly, even declaring, in 1672, that as the House of Commons is the people's representative in England, so the deputies are the representatives of the freemen here. It was only a question of time when they would be satisfied with nothing but complete separation. On May 6, 1696, they formally desired that the deputies "shall sit as a House of Deputies, for the future, and have liberty to choose their Speaker among themselves, and likewise their Clerk". This was so voted, and henceforth the Governor and his council sat as the upper house of the assembly.²

The Narragansett Country during all this time had remained in a strangely tranquil condition. Under Andros's administration, although

¹Arnold, i, 529; *R. I. C. R.*, iii, 294.

²*R. I. C. R.*, iii, 313. See also Moran's *Bicamera System in America* in *J. H. U. Studies*, 13th ser. no. 5, p. 22. Warwick, on Oct. 26, 1664, had petitioned that the Deputies should "meet and sit together and choose their Speaker as a distinct house . . . it being the commendable form used in our native country as well as in the colonies about us". (*Copies of Warwick Rec.*, p. 7, in *R. I. H. S. Lib'y.*)

closely associated with Rhode Island, it had been treated technically as a separate province. Since there was much dispute as to the proprietorship of the territory, Andros, on August 31, 1687, rendered a careful report on all the claims. He rehearsed the different points in the history of the controversy, dismissing the Atherton mortgage claim on the ground that it had been extorted by force for a fictitious debt, asserting that the grant of the territory to Connecticut was cancelled by the subsequent grant to Rhode Island, and making especial allusion to the award of the commissioners in favor of the latter colony.¹ Thus again did the judgment of an impartial arbiter favor Rhode Island, as against Connecticut, in regard to jurisdiction, and against the Atherton purchasers in regard to right of the soil.

Another matter that came up for Andros's consideration, in connection with the Narragansett lands, was in regard to the Huguenot settlements in East Greenwich. The persecutions following the repeal of the Edict of Nantes in 1685 caused great numbers of the most enterprising and skillful Protestants in France to flee to America. They formed settlements at Oxford, Massachusetts, New Rochelle, New York, and elsewhere. In the autumn of 1686 about forty-five of these French families had come to Rhode Island, and on November 4 had purchased of the Atherton proprietors a large tract of land in the northern part of Kingstown. Here two dozen dwellings were soon erected, lands were cultivated, and a church established. Hardly was the settlement begun when the refugees unwittingly became involved in the bitter dispute over the Narragansett lands that had been so long in progress. In July, 1687, some residents of East Greenwich and of Kingstown forcibly carried off forty loads of hay from the Frenchmen's meadows. The Huguenot minister immediately hurried to Boston to make complaint before Governor Andros. When summoned to explain their proceedings, the Greenwich men asserted that the lands in question had been laid out to them nine years before by the Rhode Island government. Andros, unable to make any final decision upon the case, ordered that the cut hay should be equally divided between the English and the French. Although no further encroachment was made upon the settlement during Andros's rule, the precedent thus set was followed a few years later, this time with more harmful results. In the summer of 1691 some inhabitants of East Greenwich, evidently of the more rude and lawless portion of the population, subjected the Huguenots to many annoyances and

¹*Cal. State Papers, Colonial, 1685-88, No. 1414v. See also Arnold, 1, 505.*

indignities. Monsieur Ayrault, the old French doctor, thus quaintly refers to their afflictions: "We were molested by the vulgar sort of the people, who, flinging down our fences, laid open our lands to ruin, so that all benefit thereby we were deprived of. Ruin looked on us in a dismal state, our wives and children living in fear of the threats of many unfriendly persons". He describes how finally the ill treatment became so pronounced that his companions were compelled to flee from the colony, thus being "forced away from their lands and houses, orchards and vineyards".

Rhode Island has been accused, and perhaps justly, of not doing enough to repress such disorderly proceedings. There was some justice in the claim of the East Greenwich men that the Atherton proprietors had unscrupulously sold to the refugees a tract of land to which Rhode Island had the prior claim; but the claimants should have sought retribution by legal means and not taken the law into their own hands. We can excuse to a certain extent the Westerly participants in the broils and frays upon the southwest border, but the injuries inflicted upon these inoffensive Huguenots can only be condemned as hasty and willful. The Rhode Island legislators, although evidently disapproving of these actions, were either too indifferent or else too familiar with such disorders to repress the persecutors with the arm of the law.¹

After the overthrow of the Andros rule the Narragansett Country lapsed quietly under Rhode Island control, the controversy gradually narrowing down to a dispute over the territory on the extreme southwestern border. Connecticut seemed unwilling to press her claim until she received some assurance from English authorities, and in October, 1694, even desired that Rhode Island would make no incursions on the west side of the Pawcatuck. This, if not a tacit admission of the smaller colony's claim to the east side, showed that Connecticut's former bold pretensions were weakened, temporarily at least, by her adversary's persistence and firmness. Rhode Island throughout steadfastly maintained her jurisdiction over the entire territory, appointing minor civil officers, admitting representatives to the assembly, and regulating the town boundaries.

Connecticut's flagging interest in this territory, which had already, as their own deputy-governor had so prophetically told them in 1670,

¹This subject of the Huguenots in Rhode Island has aroused considerable historical discussion and has been adequately treated in E. R. Potter's *French Settlements in R. I.* (Ryder's *Hist. Tracts*, No. 5), E. B. Carpenter's *Huguenot Influence in R. I.* (R. I. H. S. Proc., 1885-86, p. 46), and C. W. Baird's *Huguenot emigration to America*, II, 291-328.

cost them more than it was worth, was suddenly revived by an opinion rendered in their favor by the attorney-general. In October, 1696, he reported upon a petition handed in by the Narragansett proprietors over a year previous, that the government of the said country was vested in Connecticut on account of the priority of her charter. Although from the many errors of fact that it contained the document seems to have been carelessly drawn, it was most unpropitious for Rhode Island in that it was chiefly confined to the legal aspects of the case. Rhode Island's claim to the territory was primarily a moral one, and if the dispute had been decided solely by reference to chartered rights, it is doubtful whether she would have received a verdict in her favor. But the reply of the attorney-general was merely the opinion of one man, and before any final action could be taken in the matter, the Rhode Island agent had entered a counter-petition. The result of it all was that no action was taken beyond advising both colonies that the controversy should be settled by arbitration.

Now that a cessation from hostilities with the French on the Canadian border was in sight,¹ it seemed a most opportune time for the crown authorities to impose greater restraints on colonial commerce for the advantage of English merchants. The Navigation Acts, which had been enacted several years before to benefit home markets, had fallen into considerable disuse and needed some strong and energetic administrator to revive and enforce them. If the New England colonists heeded these laws, they could neither procure other than English products nor export to any but English marts; and now, having inspired the fear that they might learn to manufacture for themselves, they were inflicted with a law which forbade the exportation of any wool products, even from one colony to another. The home authorities intended to crush at the outset any possible rivalry whereby the English merchants would lose colonial customers. As a preliminary step to the introduction of the new regime, on May 15, 1696, the management of colonial affairs, which for over two decades had been in the hands of a committee of the Privy Council, was entrusted to the body known as the "Lords Commissioners for Trade and Plantations". Although the ostensible object of this board was to promote trade and improve the plantations, its creation was a clear indication of the policy to follow.

Another matter in the colonies demanding the immediate attention of

¹The Treaty of Ryswick brought about peace on Sept. 20, 1697.

the home government was the prevalence of smuggling and of piracy. The restraints on colonial trade were so oppressive and yet so easily evaded that the incentive to import goods without paying duties was too tempting to be resisted. Furthermore, during the late war with France, naval operations had been chiefly carried on by a class of vessels fitted out at individual expense, commissioned to attack the enemy of the colony governors, and known as privateers. Since the share that they obtained in prizes was undoubtedly large, the close of the war found these vessels most unwilling to give up their lucrative trade. Some of them turned to preying upon any foreign commerce that they met with, until it finally became a recognized fact that the distinction between privateering and piracy was being quite disregarded. The English authorities complained, and perhaps rightly, that colonial governors issued commissions to known pirates, that American ports served as harbors of refuge for these transgressors of the law, and that the trade was one of which men high in colonial office were the silent, if not the open, abettors.

These pressing needs, combined with the necessity of obtaining a better state of colonial union, required the appointment of a general governor who would be a fearless and energetic observer of duty, and one who was not in sympathy with the desires and aspirations of the colonists. A man of this sort was found in the person of Richard Coote, Earl of Bellemont. In June, 1697, he was commissioned as governor of Massachusetts and New Hampshire, and also of New York, thus consolidating to a greater extent the northern colonies.

One of the first cares was to repress the piracy which existed throughout the colonies, and in which Rhode Islanders, according to contemporary letters, were considered the worst offenders. Indeed, nearly all the transactions which Rhode Island was to have with Bellomont during his short rule were to be in regard to this one matter. Nor was her reputation in this respect entirely undeserved. Many of the letters written in denunciation of her conduct, it is true, were drawn up by her enemies. Governor Fletcher, of New York, displeased because of her refusal to send him troops, wrote in 1696: "Rhode Island pays no obedience to any command from the crown", and men like Randolph, Brinley, and others were ever ready to convert a rumor of her misbehavior into accepted fact. But there is scarcely a doubt that the commodiousness of her numerous harbors, the independence and habitual fearlessness of those of her inhabitants who followed the sea, and the inability of her lawmakers to enforce all of their decrees, contributed to make the colony a notorious resort

for privateers and pirates. Even before Bellomont's appointment the Board of Trade had written to Rhode Island in February, 1697, cautioning her that "due care should be taken for the future, that no pirates or sea-robbers be anywhere sheltered or entertained, under the severest penalties". Thus the letter continues: "We are obliged, in giving you this notice, to recommend it so much the more particularly to your care, by reason that upon occasion of the late trials of some of Avery's crew here, several informations have been transmitted to us, wherein mention is made of Rhode Island as a place where pirates are ordinarily too kindly entertained; some of the expressions in those papers are as follows:

"William Mews, a pirate, fitted out at Rhode Island. Thomas Jones is concerned in the Old Bark, with Captain Want, and lives in Rhode Island. Want is gone into the Gulf of Persia, and in all probability is either at Rhode Island or Carolina by this time. Want's wife lives there. Want broke up there about three years ago, after a good voyage, and spent his money there, and in Pennsylvania."

"These, and such like things, we say, obliges us to more strictly require of you that an extraordinary care be henceforwards taken in that Island for the preventing and suppressing such like practices; and particularly that all persons who are anyways involved in that guilt, be sought out and punished, according to the utmost severity of the law; of which we expect a particular account".¹

A few months later, in April, 1697, came another letter of complaint, this time in regard to Rhode Island's neglect to prosecute those who evaded the payment of duties and customs. The colony, to be sure, had enacted, in July, 1696, that no vessel owner could procure a commission unless he gave a bond of one thousand pounds that he would "not proceed upon any unlawful act". But as the king now wrote, the present "abuses must needs arise, either from the insolvency of the persons who are accepted for security, or from the remissness or connivance of such as have been, or are Governors".² Since the letter further threatened Rhode Island with forfeiture of her charter, if the trade laws were continued to be evaded, it can be easily seen that the matter was assuming considerable importance in the eyes of the English authorities.

The foregoing extracts sufficiently show to what an extent Rhode Island was engaged in this illegal traffic. Bellomont spent the first

¹R. I. O. R., III, 322.

²R. I. O. R., III, 326. Even as far back as 1683, Governor Coddington had been accused of refusing to arrest certain pirates. (See *R. I. H. S. Publ.*, VII, 196.)

year of his administration in New York, not arriving at Boston until May, 1699. In the meanwhile the subject of piracy continued to occupy the attention of the Rhode Island colonists to the exclusion of most other matters. Brenton, her London agent, returned in January, 1698, armed with two important papers—one appointing a commission to administer to Governor Clarke the oath concerning the acts of trade, and the other establishing a court of admiralty, of which Peleg Sanford was to be judge and Nathaniel Coddington register. Clarke, on the ground that he was a Quaker, absolutely refused to take the oath, and also tried to oppose in every way the appointment of Sanford as judge. Brenton immediately forwarded an account of these transactions to the Board of Trade and urged that a warrant be issued against Clarke, who, it must be confessed, had shown great lack of tact in the affair. Obstinately assertive of his supposed rights and openly opposed to the royal interests when Rhode Island most needed royal protection, it is a matter of little surprise that we find Clarke displaced before another meeting of the assembly by a new governor. With him the Quaker government in Rhode Island may be said to have come to an end.¹

The new administration, at their first meeting in May, 1698, took steps to repress piracy. They passed a law requiring the officers to arrest any persons with suspicious amounts of foreign coin or merchandise in their possession, and issued a proclamation warning the people not to harbor pirates or receive their goods. Governor Cranston also wrote a letter to the Board of Trade, in answer to the long letter of complaint received over a year before. He did the best thing that could be done in the matter, expressing ignorance of the pirates specifically named, and asserting that Rhode Island never countenanced any such illegal proceedings. But within a few weeks another letter was sent to England, slightly embarrassing these attempts at justification. Randolph, the old enemy of Rhode Island, and New England as well, stopped at Newport on his return from New York and wrote a most bitter and vindictive account of proceedings as they appeared to his eyes. After alluding to the contest between Brenton and Clarke, he began an assault upon the highest office-holders. "The Governor and his two uncles", he said, "have been very great gainers

¹*R. I. C. R.*, iii, 329-331. Although the Quaker government may be said to have come to an end, an informer of the Board of Trade asserted, in 1699, that "Mr. Cranston was one of the demi-Quakers only put in to serve the Quakers" (*Palfrey*, iv, 236), and Randolph wrote, in 1700, that "Cranston is the present Governor, but the Quakers have the sole administration of the Government". (*Prince Soc. Publ.*, xxix, 253.)

by the pirates which have frequented Rhode Island. Three or four vessels have been fitted out from thence to the Red Sea. Walter Clarke, the late Governor, and his brother, now the Recorder of the place, have countenanced pirates and enriched themselves thereby". The letter ended with a tirade upon Rhode Island lawlessness.

In December, 1698, the Board of Trade submitted a formidable representation to the king about the irregularities in Rhode Island. It was a general attack upon their refusal to take oaths, their unlawful assumption of admiralty power and obstruction to the court erected by the king, and their encouragement of piracy. "Their favoring of pirates and carrying on illegal trade has been so often complained of, and the instances hereof are so manifest, that we cannot doubt the truth of it". Upon a reading of this document, it was ordered that the Earl of Bellomont be commissioned to procure legal evidence in relation to the charges, with a view toward "a *Quo Warranto*, or such other proceedings for a remedy for those evils". The commission instructed Bellomont to inquire into the provisions of their charter and laws, as well as into their so-called "irregularities", and was accompanied by a specific list of questions to be propounded to Clarke, Greene, Easton, Sanford, and Cranston.¹

In September, 1699, Lord Bellomont started out for Newport to inquire into the mal-administration of Rhode Island. He was met at Portsmouth by the Governor and the assistants of the colony, accompanied by a small troop of horse, and was escorted to Newport. He carefully records in his journal the details and results of his week's visit, and narrates how he examined the various officers of the government, interrogated as to the charter and laws, heard testimony concerning the Narragansett Country, and made a thorough investigation in regard to piracy. Two months after his return to Boston he sent in to the Board of Trade a report on the state of affairs in Rhode Island. This document specified under twenty-five distinct heads wherein he judged that the colony had practised irregularities of

¹The instructions are in *R. I. C. R.*, iii, 363. Bellomont, who had remained in New York during the first year of his administration, arrived in Boston, May 26, 1699. The following day Cranston wrote a long letter to the Board of Trade, enclosing a few copies of documents and asserting the falsity of Randolph's reports. This diplomatic attempt at justification was answered by the Board of Trade with a letter of reprimand, rebuking the Rhode Islanders for not sending authentic copies of their laws, accusing them of "shuffling in their correspondence", and assuring them that "unless such a reformation be sincerely set about, you will inevitably fall into such inconveniences as will make you sensible of your miscarriages, when perhaps it may be too late". (*Idem*, p. 376.) Lord Bellomont wrote that this reproof was a "mortification to them."

government and had transgressed their chartered powers. Of course the subject of piracy occupies a prominent place, his finding being that "the government is notoriously faulty in countenancing and harboring of pirates, who have openly brought in and disposed of their effects there, whereby the place has been greatly enriched. And not only plain breaches of the Acts of Trade and Navigation have been connived at, but also manifest and known piracies; and all that has been done by them on pretence of seizing and taking up of known pirates has been so slender, weak and not pursued to effect, as plainly demonstrates it was more in show, than out of any hearty zeal or desire to suppress and bring such notorious criminals to justice."

The frequent spiteful remarks he makes about the social condition of the Rhode Islanders show that they had little to expect from his friendship, and also that some of the so-called royalist faction in the colony had made good use of their opportunity to pay back old scores.¹ Such statements as "The generality of the people are shamefully ignorant, and all manner of licentiousness and profaneness does greatly abound", the attorney-general is "a poor illiterate mechanic, very ignorant", and "the assistants are generally Quakers, illiterate and of little or no capacity, several of them not able to write their names, or at least so as to be read", remind us of the denunciatory epithets of the early Massachusetts clergy, and show that, even if they were partially true, this courtly English lord could have little understood the primitive conditions in the New World. A matter of much more moment to the Rhode Island people, however, and one which promised seriously to threaten the existence of their charter, was the charge Bellomont brought against them of acting beyond their granted rights. He assumed that their electing of officers by proxy, the exercise of judicial power by the general assembly, the assumption of admiralty jurisdiction, and even the levying of taxes were all irregular and illegal because there was no express authority in the charter for so doing. The question as to whether they had transcended their power or not is surely debatable, since the charter permitted them to make laws for their own "good and welfare". But, right or wrong, the query roused operated much to Rhode Island's disfavor in the eyes of the Board of Trade. They had commissioned a competent person to make an investigation and had received from him a report

¹Bellomont leaves little room for doubt as to who are meant when he refers to the "several gentlemen most sufficient for estate" who are neglected in office and maligned for their affection to his Majesty's service; and he even mentions Brinley as one of those who make particular complaint against irregularities of government.

the substance of which was expressed in its concluding sentence: "I apprehend his Majesty is neither honored nor served by that government as at present it is managed". A few more blows like this, and Rhode Island's struggle would be ended.

During the next few months, while the matter was undergoing consideration in England, the different parties in Rhode Island were each endeavoring to obtain the favor of Lord Bellomont. Governor Cranston wrote, apologizing for not sending the required transcripts of the laws, and concluding that his "Lordship had taken some displeasure against us"; while former Governor Clarke sent along a letter that would to-day be considered a rather strange combination of religion and flattery. The letters of the Brinley faction contained much more substance than those of their opponents, since to bring charges was evidently easier than to make excuses. Peleg Sanford wrote a skillfully worded letter, chiefly about the pirates and the infringement of charter privileges. Resentfully did he assert: "Let a man's intentions be never so resolved faithfully to discharge his Majesty's commands, it's not to be effected so long as the government remains as now constituted". Brinley himself, who had been requested by Bellomont to aid in obtaining a transcript of the Rhode Island laws, sent frequent letters of complaint. When he found that Cranston had forwarded a copy without giving him notice, he drew up a severe arraignment of Rhode Island legislation in general, and of several arbitrary acts in particular. "We are well satisfied", he says, "that the laws are not transcribed as they stand on record. There are more acts, perhaps one-third or more, that they sent not unto your Lordship, having thrown them aside, and passed an act that those sent are our body of laws, to the deception of his Majesty and the grievance of the subjects, who have suffered and have been kept in bondage under laws they are ashamed should be seen. . . . We dare not presume to give your Lordship a further account of our miscarriages, for fear our report should not gain credit with your Lordship; our enormities being so great and numerous, may surpass belief. . . . As we are, we are not fit nor capable to be a government".

With all this amount of evidence against Rhode Island in his possession, Bellomont made occasional mention of the colony in his reports to the home government. In one of his letters he says: "I received not the laws of Rhode Island til the 23rd of last month, which I now transmit to your Lordships; it seems that government has taken all this time to prune and polish 'em. And yet after all, I believe the

world never saw such a parcel of fustian". Brinley's frequent allusions to the oppressions of himself and his friends in Narragansett Country also attracted Bellomont's attention. He refers to the "great violence done the people there by the government of Rhode Island, in levying taxes on them out of all measure and proportion. That people is much to be pitied, for I look upon them to live in a state of war, while the rest of the King's subjects live in peace and quietness".¹

On April 8, 1700, the Board of Trade took action upon Bellomont's report. They sent an abstract of the document to the king and recommended that it be referred to the law officers of the crown, "to consider what method may be most proper for bringing the colony under a better form of government". In fact, the arbitrary acts of all the chartered colonies, and of Rhode Island in particular, led the English officials to believe that they were "thirsting for independence". The Lords of Trade, in a report to the king, asserted that those colonies which had charters "had not only assumed the power of making by-laws repugnant to the laws of England and destructive to trade, but they refused to transmit their Acts, or to allow appeals, and continued to be the retreat of pirates and illegal traders, and the receptacle of contraband merchandise"; that "these irregularities, arising from the ill use they made of their charters, and in the independency they pretended to, evinced how necessary it became, more and more every day, to introduce such a regulation of trade, and such an administration of government, as should make them duly subservient to England"; and that, "since the royal commands had not met with due obedience, it might be expedient to resume their charters, and to reduce them to the same dependence as other colonies, which would be best effected by the legislative power of the kingdom."²

Governor Cranston, foreseeing the storm that was impending, wrote a letter to the king, imploring pardon for failures and weaknesses and begging a continuance of charter privileges. He also informed the Board of Trade that the late deputy-governor had been deprived of office on account of his illegally granting privateer commissions, and that a more perfect copy of the laws was to be made and sent under seal. But all his excuses and supplications could have scarcely stood ground against the complaints of Rhode Island's enemies, had not a sudden event deprived the colony of her most formidable opponent. The death of Lord Bellomont in New York, on March 5, 1701, removed

¹Bellomont's Journal, Report, and all the above correspondence are in *R. I. C. R.*, III, 385-400.

²Palfrey, IV, 200.

a powerful adversary, one who, in his charges, aimed at the most vital defects of her government, and who would never allow his persistence to be weakened by entreaty or adulation. The influence of the accusations which he had already made might even yet have worked harm to Rhode Island, had not another death occurred before the end of the following year. Scarcely had the board recommended that the colonies be reduced to a state of dependency, when the king's death, in March, 1702, changed the whole course of events and postponed all consideration of the subject.

Rhode Island had passed through the most dangerous crisis in her history. As Arnold remarks, "That she was not utterly crushed beneath the cumulative evidence of every kind of irregularity that was hurled upon her by the indefatigable zeal and the consummate ability of Bellomont, can scarcely be accounted for by any human agency. It is the greatest marvel in the history of Rhode Island in the seventeenth century".¹ How far she can be held responsible for the several charges made against her is a question of considerable doubt. As regards piracy, it was certainly never proved that the colony as a whole favored this illicit trade. That persons claiming residence in Rhode Island were engaged in the traffic, and that certain ones high in authority may have used their office to obtain money from those so engaged, may perhaps have been true; but that there was any actual complicity between the colony as a government, and the pirates, as was so often charged, was never shown by any letter or report submitted to the English authorities. The commodious harbors of Narragansett Bay naturally served as a shelter for the privateers and later for the freebooters, while the ease with which commissions could be obtained, both during and after the war, brought many adventurers to Rhode Island who reaped rich rewards at the expense of the colony's reputation.²

The charges which Rhode Island found it more difficult to answer were those which Bellomont made regarding her general infringement of charter privileges. Only unless we accept his interpretation of these privileges as correct, can we agree with him that Rhode Island was at fault. Though ignoring the discretionary power which the colony legally possessed, he would have construed the charter as virtually depriving the people of all rights of self-government. The

¹Arnold, 1, 552.

²Randolph, writing in 1700, reported that "7 or 800 buccaneers in the West Indies were resolved to get possession of Rhode Island, being a place abounding in provisions". (*Prince Soc. Publ.*, xxix, 253.)